



GOLDWIN SMITH.





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THE LIFE AND TIMES
OF THE
HON. ALGERNON SYDNEY.



THE LIFE AND TIMES

OF THE

HON. ALGERNON SYDNEY,

1622—1683.

BY

ALEX. CHARLES EWALD, F.S.A.,

OF HER MAJESTY'S RECORD OFFICE.

Author of "The Crown and its Advisers," "Last Century of Universal History," &c. &c.

"Unconquer'd Patriot! form'd by ancient lore,
The love of ancient Freedom to restore;
Who nobly acted what he boldly thought,
And seal'd by death the lesson that he taught."

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THE LIFE AND TIMES
OF
ALGERNON SYDNEY.

CHAPTER I.

THE DEGRADATION OF ENGLAND.

A GREAT gap now occurs in the materials which serve as the foundation for a life of Algernon Sydney. No traces of the correspondence with the Earl of Leicester, or with Sir John Temple, or with the more famous Sir William Temple, during the long years of Sydney's obscurity in France, can be found. We only know that Sydney, when settled in his place of retreat, had communicated to Sir William Temple, the Resident at Brussels, the fact that he had fixed upon the South of France for his home, and begged Sir William to inform his friends at Penshurst of his whereabouts. The

distinguished diplomatist replied that he regretted Sydney should have removed himself so far from the services and even the correspondence of his friends, and informed him that travellers had already acquainted those interested in the exile's welfare, with his present abode.* Beyond this we know nothing of Sydney for the next few years. We may, however, conclude from subsequent events that the Earl was again irritated by his son's conduct, and that his Lordship was far from generous with supplies. The life of the Republican both at home and abroad seems always to have been a struggle with pecuniary embarrassments. Referring to this period, Sydney simply says that in spite of the persecution with which he was harassed by the Court, in spite of his escapes from assassination, and in spite of all his schemes to gain honourable employment being frustrated, he preferred retirement to revenge. Most truly could he have said with Cicero, whilst eating the bitter bread of banishment, "I have lived with honour: it is not my crimes, but my virtue, that has crushed me." His own words are: "No man could have thought it strange

* Temple's Works, vol. iii. p. 70. Meadley, p. 149.

if this [persecution] had cast me into the utmost extremities; and perhaps occasions of being revenged would not have been wanting if I had sought them; but instead of that, I cast myself into unsuspected retirement in the most remote parts of France, where I passed about eleven years, and was drawn out of it only by a desire of seeing my aged father before he died, and obtained the King's passport for my security."*

The years of Sydney's absence from England were full of importance to his country; and doubtless the events which occurred during that period tended to increase all the more, in the mind of the author of the "Discourses on Government," his hatred of absolutism and his belief in the efficacy of a Republic. The war with Holland had gone hard with England. Not only did the Dutch possess the support of France, but, shortly after hostilities had commenced, Denmark, with a double dealing which plainly indicated her contempt for Charles and his Government, sided with the States, and did all in her power to check the advantage which our navy had at the first

* Apology.

obtained over the Dutch. The only ally that England ever possessed in this unequal warfare was the Bishop of Munster, and that ruthless prelate had soon to cry for mercy before the arms of France, and hastily to conclude a peace. Alone, England had to bear the brunt of the storm her iniquitous greed had raised. Before the fierce determination of the Dutch for revenge, before the discipline of De Ruyter, and before the skill and tactics of De Witt, the navy of Charles, badly officered, badly victualled, and badly manned, had soon to change its offensive proceedings for proceedings purely defensive.

Nor was the change of much consequence. The victory of the 25th of July, the bombardment of Brandaris, and the prizes in the road of Vlie which had fallen to the English fleet at the commencement of the war, soon gave way to Dutch successes. The frivolous Court at Whitehall, aided by the natural courage of Englishmen, was able to commence a war with brilliancy, but wanted those solid qualities which can alone effectually sustain a protracted struggle. The proud country, but a few years before the terror of Europe, had soon need

to repent her rashness and sue for peace. Negotiations were entered into, and whilst ambassadors were framing the clauses of a treaty at Breda, De Ruyter, unconscious of the efforts of the diplomatists, sailed up the Thames, and England received the greatest affront she has as yet ever had to sustain. Chatham was insulted. Harwich was insulted. Tilbury was insulted. Ships were sunk at Woolwich. Ships were sunk at Blackwall. Every hour the citizens of London expected the hated Hollander to attack London Bridge. Precautions, hurried and imperfect, were at once taken by the Government to resist this tide of invasion. The Parliament was immediately convoked. The train bands were called out, and an army of 12,000 men suddenly levied. But neither the Dutch nor the French thought it wise to push their victory to extremities. Peace was concluded at Breda, and the only advantage which the English reaped from a war in which they had undergone such bitter humiliation was the acquisition of New York.

Meanwhile the condition of the people was fierce and sullen in the extreme. At the beginning of the war a terrible pestilence had swept through the

land, devastating every town, city, and village in the island, and causing, with its fatal breath, the death of well-nigh 100,000 human beings. Hardly had the plague been stayed, than an awful fire—the most awful in the whole history of urban conflagrations—broke out in London, and half the city lay smouldering in ruins.* The Puritans attributed these calamities to the chastening hand of an offended Deity, and said that both the plague and the fire were judgments upon the nation for permitting wickedness to reign in high places, and many were not loath to put such construction upon these two terrible calamities. The lower classes were loud in their complaints, and beneath their bitter murmurs insurrection seemed as if it would once again burst forth. Nor were their complaints groundless. The supplies which, after months of taxation and assessments, had been extracted from the nation in obedience to the will of the Parliament, were now, the people saw, worse than wasted, for national humiliation had been the only result of the recent conflict. The Church, too, was still pur-

* See a most interesting account of the Great Fire, in a "Letter to Friend," Sept. 1866 : State Papers, Addenda, Chas. II.

suing her hostile policy with increasing vigour towards those who were out of her pale. In order to please the Parliament, now both Cavalier and Anglican, Charles had passed the Five Mile Act. It was ordered that no dissenting teacher should come within five miles of any corporation, or of any place where he had preached after the Act of Oblivion. Disobedience to this new law was punished by a fine of fifty pounds and six months' imprisonment. It can easily be imagined how heavily this persecution fell upon the dissenting classes, and the murmurs of the Nonconformists were now swelled by a wide-spread cry of indignation at the Government for its disgraceful administration during the war with Holland. The windows of the Ministers were broken, effigies of incompetent admirals were carried through the streets, and, mingled with the exclamations of hatred against the Dutch, were heard outspoken cries of disloyalty against the King. The mob was becoming dangerous. Demagogues and fanatics mounted on posts and pillars harangued the multitude, evoking cheer after cheer as they abused the Cavalier Parliament, the vice and extravagance of the King,

the sale of Dunkirk, the Five Mile Act, the miscarriage of the late war, the Papists and the Duke of York, the Court and the barren Queen. It was felt that a victim must be offered to the public to assuage their passions.

The victim was Clarendon, who was cordially hated by all parties. The Nonconformists attributed to him the passing of the persecuting laws. The Royalists fell foul of him because he would not let them plunder the estates of the Roundheads. The Parliament hated him because he ignored its increasing power. The Papists both in England and Ireland hated him on account of his stern opposition to their creed. The Scotch Presbyterians laid at his door the overthrow of their Church. His only friends were a few of the better class of Cavaliers and the clergy. Accordingly the once powerful Minister was impeached by the Commons, and the Great Seal taken from him. He fled the country to save his life, and an Act was passed dooming him to perpetual exile.

But this sacrifice was not in itself sufficient to satisfy the nation. To wipe out the disgrace of the past, a future bright with glory must be heralded

in. Charles accordingly entered into negotiations to curb the increasing greatness of France, and to make English influence a powerful weight in the scale of European politics. The result of these negotiations was the famous Triple Alliance, the chief promoter of which was Sir William Temple, the Resident at Brussels, and the son of Sydney's friend. Bygones were bygones, and England, Holland, and Sweden had now formed a coalition to check the power of France, the common enemy to Europe. Spain and France, who were then engaged in bitter hostilities, thought it prudent to accept the mediatory services of this trinity of powers, and the Treaty of Aix-la-Chapelle brought once more peace to Europe.

At home the Triple Alliance was popular in the highest degree. "It gratified alike national animosity and national pride," says Macaulay. "It put a limit to the encroachments of a powerful and ambitious neighbour. It bound the leading Protestant States together in close union. Cavaliers and Roundheads rejoiced in common : but the joy of the Roundhead was even greater than that of the Cavalier. For England had now

allied herself strictly with a country republican in government and Presbyterian in religion, against a country ruled by an arbitrary prince and attached to the Roman Catholic Church. The House of Commons loudly applauded the treaty; and some uncourtly grumblers described it as the only good thing that had been done since the King came in." But the advantages which accrued from the Triple Alliance were only of short duration. With Charles the interests of self greatly predominated over those of the nation. As long as the King enjoyed an ample revenue, he cared very little for anything else. But his supplies were now limited. The Parliament was becoming more and more what it became after 1688, the centre and force of the State. The loss to the Crown of nearly all its ancient demesnes had made the English monarch almost entirely dependent upon voluntary grants of the people; and these grants the Commons, aware of the feeling of the country and the distress under which it laboured, were now doling out with a rigid frugality. Inquiries were frequently made into the King's accounts, and disagreeable altercations ensued between Whitehall and Westminster respecting money which

had been asked for State purposes, and which had gone instead to the King's mistresses or needy gallants. The conduct of Charles had as years rolled on lessened his hold on the majority in the Parliament. Every vacant seat was now becoming occupied by men who hated the extravagance and faithlessness of the Court, its Popish proclivities, and its utter want of moral tone. A strong party had therefore been created in the House hostile to the King, and this hostility was displayed by effectually curbing the authority of the Executive by constitutional restraints. Charles felt that his faithful Commons were no longer submissively loyal, and that altercations were arising between the Crown and Parliament almost as frequently as they had arisen in the lifetime of his father. And now it was that the English king wished for a man like Strafford—a man who would aim at nothing less than the making his master independent of all legislative authority, by the terror which a powerful standing army would create. A military despotism was the only form of government which possessed any value in the eyes of Charles. But this despotism he was unable to organize. The few regular troops that

he kept up were insufficient either to coerce the mob or to protect his palace against a rising. Without the sanction of the frugal Commons, an increase in the military guard of the country was an impossibility. And it was not probable that the Commons, in the present state of affairs, would grant levies for new troops which might at any time be called upon to destroy the liberties of England. The King's Ministers, however, determined to settle the difficulty.

Between the fall of Clarendon and the impeachment of Danby intervenes a period of history which few Englishmen care much to remember. A Ministry composed of self-seeking scoundrels; our nation the tributary of a country not a whit its superior; the King a paid vassal; bribery and corruption openly practised in high places; and national honour sold to defray the expenses of a coterie. Such during this period was the state of England under the rule of Charles and of his trusty counsellors—the subtle Ashley, the dissipated Buckingham, the coarse Lauderdale, the intriguing Clifford, and the witty Arlington—counsellors whose notorious names will ever live in history as the infamous

CABAL. These men, aware that they had nothing to gain from the Parliament and everything from France, planned their evil schemes together and then took the willing King into their confidence. They showed how rapid and ambitious were the projects of the Parliament; how dependent Charles had become upon its will; how discontent was spreading among his subjects, and how necessary it was for him to rouse himself from his lethargy and regain his lost prerogatives. His great fault, they said, had been that he had ever ignored alliances with foreign princes. The Triple Alliance was popular with the nation, but it possessed no personal value to the King. France was the only power worth courting. Let there, then, be a secret alliance between Whitehall and Versailles, on the understanding that France should establish absolute monarchy in England by the aid of her soldiery. The enemies of the King were at home, and not abroad. The only means that could prevent the encroachments of his usurping subjects was a powerful standing army. It would be better if such standing army could have been raised in England, but since that was impossible, it was better to

rely on foreign aid than be deficient in the necessary military strength to coerce an arrogant Parliament and a rebellious people.

Such advice harmonized only too well with the views of Charles. Negotiations were entered into, and the Secret Treaty of Dover—chiefly drawn up by Charles—was the result of this Judas-like diplomacy. Louis was to furnish Charles with military and pecuniary aid, so that the King of England should be rendered perfectly independent of his Parliament. Charles, in return for this assistance, was to declare himself a Roman Catholic, to dissolve the Triple Alliance, and to make war with France against Holland. Ludlow was not far from the truth when he informed Sydney that a king like Louis was hardly the man to lend troops to restore Republicanism or to be anxious about the re-establishment of public liberty in England. All that France aimed at, in her ambitious designs upon the United Provinces, Belgium, and Spain, was to secure not so much the co-operation as the neutrality of England. As long as England took no active part in any European coalition against Louis, the French king felt that he was more than a match for his

enemies. In alliance with England he would be more than a match for all Europe put together. But Louis, aware that Charles was a most slippery ally, did not place reliance alone upon the clauses of the Secret Treaty. He determined to have two strings to his bow. Accordingly, he now aimed at rendering England weak by promoting intestine factions. He bribed the Court, and warned it against the Parliament. He bribed the parliamentary leaders, and warned them against the designs of the King. He bribed the Ministers, some of the Republicans, the Presbyterians, and exercised all his wiles to make every man suspect his neighbour and despair of success in the cause he especially advocated. A kingdom thus divided could never be a formidable enemy, and the result of all these plottings and schemings was, in the words of Macaulay, to succeed in making England "during nearly twenty years almost as insignificant a member of the political system of Europe as the Republic of San Marino."

For a moment Algernon Sydney appears again upon the scene. From Dalrymple's *Memoirs* we learn that he was in Paris when the Secret Treaty

of Dover was being signed. His position, owing to the stern parsimony of the Earl of Leicester, was so embarrassing that it is asserted Lord Arlington proposed that Louis should relieve him from his pecuniary difficulties by granting him a pension. We have, however, no proof beyond the hostile and inaccurate statement of Dalrymple that such a transaction ever took place. Charles, on hearing of Sydney's arrival in Paris, appears to have been much annoyed. At first he told Colbert de Croissy, the French Ambassador, that it was immaterial to him whether Sydney remained in Paris or elsewhere, provided he did not attempt to return to England, where his inflexible principles and the memories attached to his name might do harm. But shortly afterwards he changed his tone, and desired that the Republican should quit Paris, as he could not be too far from home.*

That Sydney's courage and ability, in spite of his

* "Le Roi me dit encore," writes Colbert, in a letter of Aug. 4, 1760, "qu'il ne se soucioit pas que le dit Sydney demouroit en Paris ou Languedoc, ou en tel autre lieu qu'il lui plairoit, pourvu qu'il ne revient pas en Angleterre, ou, dit-il, ses pernicious sentimens, soutenu d'autant d'esprit et de courage qu'il en a, pourroient beaucoup nuire."

But, on the 25th of the same month, he was told, "Qu'il étoit à-propos de le laisser retourner en Languedoc, et qu'il ne pourroit être trop loin d'Angleterre."—DALRYMPLE'S *Memoirs*, ii. 61.

being a mere penniless exile, should have occasioned such apprehension at Whitehall, is a signal proof of the political influence he at that time possessed. Whilst he was in Paris, the inflexibility of his Republican principles gave rise to a story which has been gravely repeated, gravely quoted, and gravely believed. It is said that Louis, seeing Sydney mounted on a splendid English thoroughbred, was so enchanted with the animal that he immediately expressed a desire to become its purchaser. Sydney declined to part with it, whereupon the haughty monarch gave orders that money should be tendered and the horse seized. Sydney, burning with indignation and passion when this command was brought to him, instantly took a pistol and shot the magnificent steed, saying that "his horse was born a free creature, had served a free man, and should not be mastered by a king of slaves." This silly anecdote is better fitted to catch the fancy of the uneducated democrats who disturb the peace of Trafalgar Square and disgrace the spirit of Republicanism, than to obtain credence with the sober-minded. To attribute to Sydney the conduct it describes is like attribut-

ing to the sublime what properly belongs to the ridiculous.

The only authority for the story is a Scotch doctor* who lived some time in Paris, and it is, no doubt, one of those *canards* for the manufacture of which that city is so celebrated. If we examine the anecdote seriously, it is improbable for two reasons. In the first place, considering that Sydney at that time was exceedingly poor—poor almost to misery—it is not very probable that he could have been the owner of a highly valuable animal. It is far more probable that everything that he once had valuable about him had long been parted with for absolute necessities. In the second place, Sydney was on friendly terms with Louis, who had always befriended him; and it is not at all likely that the exile would have replied to the royal request, had such request ever been made, otherwise than as a gentleman. It is far more probable that had Sydney been in possession of an animal coveted by a crowned head, he would have been only too glad to sell it at the best price it would fetch. The whole story, however, bears on its very face the

* Dr. Francis Hutcheson, of Glasgow.

appearance of a mere myth. Sydney was well known as an opponent of all absolute monarchies, and any anecdote which brought out in bold or amusing relief his aversion to kings was sure to be believed—by the foolish and the spiteful.

To return to Charles and his advisers. The Cabal, perfectly convinced that, low as England had sunk beneath the pernicious rule of the Satyr at Whitehall, the Parliament would not tolerate for a moment certain of the secret clauses of the Treaty of Dover, now resolved to finesse. The King concealed his Roman Catholic proclivities, and pretended to warmly espouse the principles of the Triple Alliance. He told the Parliament that France was dangerous, and that, in order to carry out the object of the Triple League and to secure England from aggression, it was necessary to increase the navy. The unsuspecting Commons thanked the King for his advice, and voted a grant of £800,000. The money once in the hands of the Court, Parliament was prorogued. But pecuniary difficulties soon embarrassed the action of the Government. The £800,000 was speedily swallowed up by royal debts and other expenses, and Charles felt that fresh means must soon be resorted

to to fill the Treasury. Shaftesbury, the arch fiend of the Cabal, was, as usual, equal to the occasion. He shut up the Exchequer and retained all the payments made into it. The dismay and distress such a proceeding created can easily be imagined; for the bankers were accustomed to carry money to the Exchequer, and advance it upon security of the Funds, by which they were afterwards reimbursed when the money was levied on the public. About £1,300,000 had been entrusted to the honour of the State, when Shaftesbury issued his iniquitous order closing the Exchequer and coolly announcing that the bankers, goldsmiths, and other mercantile lenders must be content with the interest, as it was not convenient to pay the principal.

A City panic ensued. The merchants were unable to meet their engagements; the bankers stopped payment; and several wealthy firms were ruined. Commerce was for the moment entirely suspended, and distrust and distress rapidly spread throughout the kingdom. But this was only the beginning of misfortunes. The Cabal, gaining courage and strength as it proceeded on its course towards despotism, determined to kick over the traces of

legislative control and be independent, once and for all, of anything like Parliamentary restraint. The penal laws against Roman Catholics were suspended to pave the way towards fulfilment of a clause in the Treaty of Dover relating to the Roman Catholics; but in order to allay the suspicions of the country, the penal laws against all Nonconformists or Recusants whatsoever were also suspended. Protestant Dissenters were allowed the public, and Roman Catholics the private, exercise of their respective religions. At the same time the Act of Navigation was suspended solely by the royal prerogative, and proclamations issued containing rigorous clauses in favour of pressing, and dire threats against those who presumed to oppose the measures of the King and his Ministers. In order to prevent sedition and discontent working their fell way in the newly-levied army, martial law, in open defiance of the Petition of Right, was established by an Order in Council, and woe to the offender who was condemned by its iron severity. The Lord Keeper, refusing to sanction by his seal some of these acts, was forced to resign, and Shaftesbury reigned in his stead.

And now war—a false, frivolous, and uncalled-for war—broke out again between England and Holland. The brave Dutch valiantly held their own by sea, but on land the odds were too heavy for them to contend long with success. France was pouring her forces across the Rhine. Sweden was detached from the Triple Alliance. The Bishop of Munster was a paid hireling of the great Louis. The Elector of Cologne sided with France, and offered his territories as the military highway to the United Provinces. Against such united strength, Holland, torn asunder by intestine factions—Republicans and the Orange men struggling for supremacy—was powerless to make an effectual resistance. Before the ever-onward march of Louis, garrison after garrison surrendered. Already three provinces were in his hands—Guelderland, Overijssel, and Utrecht; and it was hoped that the other provinces, weak and discouraged, would soon surrender. The only difficulty lay in Holland and Zealand.

And now it was that William Henry, Prince of Orange, came forward to allay the fears of his countrymen and be the saviour of the State. Alarmed at the progress of France and at the humili-

ating terms offered for their acceptance by England and France, the Dutch mob had risen in insurrection, and, as is always the case on such occasions when fear paralyses judgment, their once popular leaders were the first to bear the brunt of their suicidal revenge. De Ruyter was attacked at Amsterdam; the De Witts were torn in pieces by a brutal multitude at the Hague. Town after town was trampling under foot the authority of its magistrates, and province after province was joining the general revolt. The Prince of Orange—calm, cold, and with that energetic courage which commands the attention of a half-mad, half-terrified crowd—now put himself at the head of the nation. He bade them spurn with contempt the terms of their insolent enemies. Rather than yield to such conditions, local annihilation would be preferable. Let them open their dykes, let Holland be blotted out of the map of Europe, and let her people, whose industry and opulence were the envy of the world, seek in far-off climes that peace and prosperity which their jealous foes denied them at home. Anything was better than an ignominious and craven submission. “I, for one,” he cried, “shall never

see my country's ruin; for I will die in the last ditch."

His words struck home. The Dutch determined to fight to the "bitter end," and rather than see their country pass into the hands of the foe, preferred its destruction by the elements. The nation rose as one man. The dykes were opened; the whole country was flooded, and before the rising inundation the invaders were forced to beat a retreat. Nor were the elements now the only friends of the bravely struggling people. Europe began to be alarmed at the progress of Louis, and felt that a check must be placed upon the vast designs of France. Spain sent succours. From all parts of Germany troops came to the aid of the States. England as a foe was almost worthless, owing to her crippled resources. Capricious Fortune had now changed her tactics, and instead of Holland fighting single-handed against France, England, and her minor foes, it was France that now had to contend alone against Holland, Spain, and Germany.

England was now, I have said, a worthless foe, and consequently a worthless ally. The King and his Ministers were at the end of their pecuniary

tether. After their conduct towards the bankers they felt that it would be useless trying to raise a loan in the City. They dared not call in taxes by their own authority, for, in case of a rebellion ensuing, France, whose hands were now full, could spare no troops to bring the anti-Court party into subjection. They had no alternative but to assemble Parliament again, after a recess of two years. And now the Houses, fully alive to the necessities of the King and to the causes which had led to their meeting, determined to make Charles smart for his arbitrary conduct by forcing him to feel his humiliating dependence upon the Legislature. He was compelled to revoke the Declaration of Indulgence. He had to consent to the passing of the Test Act, which provided that all persons holding any office, civil or military, should subscribe a declaration against Transubstantiation, and should publicly receive the Sacrament according to the rites of the Church of England—an Act which fell with crushing force upon the Papists, and compelled the Duke of York to resign the post of Lord High Admiral—and he was forced to dismiss the Cabal. Whilst granting these wholesale concessions, the King had been fully under the impression that Parliament in

its turn would generously vote large supplies for the maintenance of the war with Holland. But the Commons had played their cards with great skill. Whilst holding out hopes to Charles of supporting his foreign policy, they had granted supplies sufficient to appease him, but insufficient to prosecute the military schemes he had in view. No sooner, therefore, had concession after concession been granted to the Parliament, and the Houses had gained their ends—the overthrow of the Cabal, the revocation of the Declaration of Indulgence, and the assertion of Anglican principles—than they begged Charles to make peace with Holland, and stoutly refused to grant any more supplies unless it was the wish of the States that war should continue. The King was forced to comply with the wishes of the Parliament, Temple's services were again called into requisition, and a separate peace concluded between England and Holland.

On the overthrow of the Cabal, the Minister who exercised the greatest authority over Charles, and in whose hands was chiefly placed the direction of affairs, was Danby, the Lord Treasurer. Though little better than his immediate predecessor as regards

public morality or incorruptibility of character, he was in all his sentiments an Englishman. He hated France as only a true Englishman of that period could hate, and was bitterly opposed to the French alliance. He hated the Pope and all Papists, and said that it was easier to worship God and Mammon than to be a Roman Catholic and yet a loyal Englishman. He hated Republicans, Puritans, and the whole tribe of Nonconformists, who were seeking, as he thought, to undermine the royal prerogative. His aim was to make the King of England once more a powerful monarch—respected abroad, and loyally served at home. Accordingly he flattered and treated with agreeable distinction those who in every country are the chief supporters of Royalty. He revived the smouldering hopes of the neglected Cavaliers. He was the faithful and courteous friend of men of his own order. The landed gentry were won by his flattery and public economy. The clergy and the Universities believed in his professions, and became his most ardent supporters. Aided, as he thought, by the interest and influence of the aristocracy, the gentry, and the Church, Danby now began to take his first

step towards the erection of that almost absolute monarchy which he deemed advisable for the interests of England. A Bill was introduced into the House of Peers by the Earl of Lindesey, providing that no person should hold any office or should sit in either House of Parliament without first declaring on oath that he considered resistance to the kingly power as in all cases criminal, and that he would never endeavour to alter the Protestant religion or the established government either in Church or State. The greatest opposition was raised against this new Test Act, and after numerous debates and divisions it barely passed the Lords, and, though not rejected by the Commons, was gradually shelved by the introduction of other more important measures.

The next move of Danby was one more in accordance with the spirit of the nation. France, in spite of her allied foes, had not only gallantly held her own, but was now gaining upon her enemies. Such an unequal balance of power was considered by many as detrimental to the peaceful interests of Europe. The voice of England, seconded by Danby, was in favour of war. The Parliament addressed

the King, representing the danger to which the kingdom was exposed from the greatness of France, and prayed that his Majesty, by such alliances as he deemed best, would secure the safety both of his own dominions and of the Spanish Netherlands, and thus put to rest the fears of his subjects. Charles was in an embarrassing position. The scheme of Danby for establishing an absolute monarchy was not succeeding so well as that Minister had expected. The King's hope of becoming independent of his subjects was therefore now all the more centred in the arms of France. Besides, in his present distresses the remittances he received from Louis were a most agreeable addition to the embarrassed state of the Royal revenues. To ignore the clauses of the Treaty of Dover, and to break with the Court of Versailles, were, in the eyes of the English King, to utterly destroy that structure which he had so cunningly planned. With France an enemy, Charles saw that there was no chance of his ever being an absolute monarch, of his ever embracing the Romish faith (the only religion, as he said, if man must have religion, worthy of adoption), and of his ever being so far independent

of his Parliament as to be able to purchase his supplies without the sacrifice of his prerogative or the expulsion of his Ministers. War with France meant to Charles the loss of everything and the gain of nothing.

Nor was the position of the country less perplexing. The people were anxious to declare war against France, but at the same time feared, as they had feared in the reign of Charles the First, that the means raised for one object might be used for another—that the troops levied for war with France might be used for the destruction of the liberties of England. Between fear of Louis and distrust of Charles, the movements of the country were characterized by constant vacillation and inconsistency. When fear of Louis preponderated over distrust of Charles, supplies were voted and an army enrolled; but no sooner were the grants employed for the purpose intended, than distrust of Charles preponderated over fear of Louis, and the country cried out for disbanding the troops. The French king was not slow to take advantage of this state of things. Aware that England, as long as she was divided by such conflicting fears,

was powerless to hurt his realm, Louis exercised every wile the more to increase her intestine jealousies. As he had formerly supported the Throne against the Parliament, so he now supported the Parliament against the Throne. The object of Louis and the object of the Parliament were the same, though the ends both had in view were very different. Louis had no intention of an army being raised in England for the destruction of France. The Parliament had no intention of an army being raised for the destruction of the liberties of England. The one bond of union between Louis and that party in the House of Commons which was called the Country Party (the party which included, in the words of Macaulay, "all the public men who leaned towards Puritanism and Republicanism, and many who, though attached to the Church and hereditary monarchy, had been driven into opposition by dread of Popery, by dread of France, and by disgust at the extravagance, dissoluteness, and faithlessness of the Court") was distrust of Charles. Had the Country Party been sure that if an army were raised in England it would be directed against France, they would

willingly have granted the supplies. And had Louis been certain that the army to be raised in England was for the purpose of warring against the English Constitution and for the erection of absolute monarchy, he would have strongly advocated the recruiting. But neither felt certain of the English king and upon what treachery the new levies might be employed, and hence the aim of both Louis and the Parliament was the same—to keep Charles weak and without an army. Whilst these intrigues were being schemed and planned, Algernon Sydney again appears on the scene, and his letters throw no little light on the trickery and counter-plotting of the times.

CHAPTER II.

THE RETURN OF THE EXILE.

THE Earl of Leicester, ever since the day he begged to withdraw from the Court, had remained quietly at Penshurst. His failing health and strictly Protestant views caused him to take no active part in public affairs. Like Clarendon, he was one of the courtiers of the old school; and the open revelry at Whitehall, the dissolute conduct of the advisers of the Crown, and the arbitrary and contemptible policy of the Government, were all distasteful to him. His Presbyterianism made him also feel scant sympathy with the proceedings of the extreme Anglican party, and still less with the Popish tendencies which were the fashion among the Whitehall sycophants. He objected to the Dutch war, to the Cabal, to the humiliating alliance with France, and in short looked upon the times as out of joint. Alone at his country-seat, he busied himself with

his favourite mathematics and philosophy, and, except in occasionally venting the querulous complaints of a *laudator temporis acti* against the policy, both foreign and domestic, which the Ministers were adopting, retired altogether from the outer world. As years passed over his head, and health and strength began to decline, he expressed a wish to see the son whom, in spite of all their past differences, he still loved. Perhaps, as time and sickness warned the old man that the end was not far distant, he may have repented of his parental harshness as he reflected upon the misery such harshness had inflicted upon Algernon. He had treated with culpable neglect the son he had promised his wife to guard and protect; he had heaped upon him undeserved reproaches; he had by his denial of assistance rendered him dependent upon others for the means of subsistence; and had more often than not been deaf to appeals and entreaties made by others on his behalf. But now the Earl wished the past to be forgiven, and to see his son before he died. His grandson, the Earl of Sunderland, possessed great influence over Charles, and to him he applied for leave to be granted to Algernon to come over to England.

Aided by the Court of France, whose goodwill in this matter Sydney had sought and obtained, and by the good offices of Sir Henry Savile, the British Ambassador at Paris, an assurance of safety was procured, and a passport from the King of England obtained. And so at last, after many weary years of absence, privation, and seclusion, the exile returned in the autumn of 1677 once more to his native land and to the home of his ancestors. According to Burnet it was through the influence of the Court of France that Sydney obtained this passport, but there is evidence to show that he was chiefly indebted for this favour to Sir Henry Savile, as is clearly proved by the following letter, written a short time before Sydney's return to England:—

NERAC, Dec. 18, 1676.*

SIR,

I received yesterday in one and the same packet three letters from you, of which one had passed through Paris whilst I was there, and that would have spared me a journey of four hundred leagues if I had then received it. This would have been a convenience unto me; but my obligation unto you is the same, and I so far acknowledge it to be the greatest that I have in a long time received

* "Letters of A. Sydney to Sir Henry Savile, Ambassador in France." Wrongly dated 1682.

from any man, as not to value the leave you have obtained for me to return into my country after so long an absence, at a lower rate than the saving of my life. You having proceeded thus far, I will, without any scruple, put myself entirely upon the King's word; and desire you only to obtain a pass to signify it, and that his Majesty is pleased to send for me; so as the officers of the ports or other places may not stop me, as they will be apt to do so as soon as they know my name, if I have not that for my protection. You took that which had passed between you and me so rightly, that I have nothing to add unto it. I have no other business than what solely concerns my person and family. I desire not to be a day in England unknown to the King or his Ministers, and will lose no time in waiting upon the Secretary as soon as I can after my arrival. I think it no ways reasonable that I should stay in England if the King do not see I may do it without any shadow or possibility of prejudice unto him; and unless I can satisfy him in that point, I desire no more than to return on this side the seas after the three months, where I intend to finish my days, without thinking any more of living in England. You see my thoughts simply exposed; I beseech you to accomplish the work you have so well begun. Send your answer to Monsieur du Moullins, and believe no man in the world can be more obliged unto you, than

Your most humble and obedient Servant,

ALGERNON SYDNEY.

SIR HENRY SAVILE.

Two months after Sydney's return to England, the Earl of Leicester breathed his last at Penshurst, at the advanced age of eighty-two. If the son had expected after his father's death to be free from those pecuniary anxieties which for the last twenty years had been a continual source of worry and mortification to him, he must have been greatly disappointed. The only legacy bequeathed him by the Earl of Leicester was the trifling sum of five thousand one hundred pounds. And even this small sum was disputed by his eldest brother, who questioned Algernon's right to the property. The consequence of this opposition was, that Sydney, instead of at once returning to France as he had originally intended, was obliged to remain in England and assert his rights by a long and vexatious Chancery suit, which, however, happily ended in his favour.

Meanwhile the cunning and strength of Louis had gained the day. In spite of the occasional menacing attitude of England—the sending over a few soldiers to secure Ostend, the recalling a few regiments from the French service, the projecting a quadruple alliance between England, Holland, Spain, and the Emperor, and the like—France felt

sure that she had nothing to fear from the country governed by Charles the Second. Sydney wrote to Savile that the whole thing was a puzzle, "since the two Courts being in entire confidence nothing more was intended by this show of warfare than to raise an army, and afterwards to keep it for training and modelling beyond the sea." The consequence of this inaction was the Peace of Nimeguen—a peace which was dearly bought by Spain, not so dearly bought by Holland, and most cheaply bought by France.

At the conclusion of the Treaty, and when the nature of its terms were understood by the English people, loud and deep were the murmurs of the nation. The discontent of the whole country seemed to be concentrated, and most deservedly, upon Charles. It was distrust of him, the people said, that had fettered the actions of the Parliament. It was through him that the country dared not carry out its wishes. Spain, Holland, and the Princes of Germany had called aloud to England to lead them on to victory; but fear, and that alone, of the faction at Whitehall had made them call in vain. Clearly Englishmen saw now through the policy of

their King; the nation had been sold to the common enemy; first, by entering into a pernicious alliance; and secondly, by preserving an ignominious neutrality. And the result of all this diabolical trickery was the degradation of England and the elevation of her rival to a position of unbounded power. Nor was national humiliation the only feeling that agitated the country. Rumours were afloat that, France once at peace, her power would be exercised to overthrow the liberties of Englishmen and the Protestant religion. French troops were to land at Dover, at Deal, along the whole southern coast, and by force of arms to establish despotism on the English throne and Roman Catholicism in the English Church.

The idea of a foreign invasion was not in itself very formidable; Englishmen of all ranks knew sufficiently well what national honour meant to permit the machinery of their constitution to be interfered with by a French monarch: in that respect, at least, they would not follow the example of their King. But the religious invasion was one far more feasible to carry out, and hence all the more to be dreaded. Popery had been steadily on

the increase throughout the country. The King was strongly in favour of Roman Catholicism, and made no secret of his views. The Duke of York, the heir presumptive to the throne, was known by all as a bigoted Papist. His first wife had been a Roman Catholic, and on her death, in defiance of the voice of the nation, he had married another Roman Catholic, a Princess of the House of Modena. There was now no prospect of Charles, by his present wife, having any issue; on his demise, therefore, the Duke of York would succeed to the throne, and Roman Catholicism be the religion of the State. At the Restoration, the long-haired, melancholy, text-repeating Puritan was no object of love or admiration; but the feelings he then inspired were far less deep and bitter than those excited by the Papist with his half loyalty, his diabolical casuistry, his spiritual arrogance, and his un-English treachery and deceit. Power does not change men—it only unmasks them; and the Roman Catholics—aware that they might look for support to France—aware that the Duke of York would sink his nationality for the elevation of his creed—aware that the King of England was their friend, and that many of the

aristocracy were in their favour—began now openly to show their hand, and to speak with confidence of the conversion of England. Their bitterest opponents, of course, were the common people, who, rude, rough, and unlettered, attributed everything adverse to English interests—the Dutch War, the fire, the plague, the Cabal, the detested alliance with France—to Papistical agency, and hated the name of a Roman Catholic as an Englishman at the beginning of the nineteenth century hated the name of a Frenchman. But in addition to this hostility of the masses, the Anglican clergy, who trembled for their benefices, and the English country gentleman, who trembled for his estates, once the property of the Roman Church, viewed with no peculiar affection the idea of a subversion of Protestantism. The mind of the nation, as it thought upon all these things, was nervous, excited, and, as is always the case under such circumstances, evolved dangers as much out of its apprehensive imagination as from any real, sound source.

And now, whilst the country was the prey of this morbid and feverish excitement, news spread like wildfire that a Popish plot had been discovered.

The author of that plot we all know—as long as language exists his name will be synonymous with imposture of the most brazen kind. Titus Oates, an unfrocked Anglican clergyman, and the most consummate scoundrel that ever lived, had weaved in his unscrupulous brain a story which, from what he saw of the temper and prejudices of the English nation, he felt sure would be eagerly believed in, and be the means of increasing his miserable fortunes. The story, aided by the artifices of his accomplices, he now made public. The Pope, he declared, had assumed the sovereignty of Great Britain on account of the heresy of prince and people, and had delegated all powers to the Jesuits. New appointments were to be made under the seal of the Society of Jesus. Lord Arundel was to be created Chancellor; Lord Powis, Treasurer; Lord Bellasis, General of the Papal army; Lord Peters, Lieutenant-General; Sir William Godolphin, Privy Seal; Lord Stafford, Paymaster, and other inferior commissions distributed by the Jesuits throughout England. The Anglican Church was to be deposed, and its sees and benefices occupied by foreign priests. The King was to be assassinated by Romish hirelings. In order that his

Majesty should have no chance of escape, his murderers were divided into separate companies : some were to attempt his life with poison ; some to shoot him with silver bullets ; and some to stab him at Windsor. London was to be fired in different places. The Roman Catholics in the three kingdoms were to rise to a man, and to massacre the Protestants. The French were to land and assist the Papists in the execution of their schemes. And the plot once crowned with success, the Duke of York was to succeed to the throne on the condition that he held the realm as a gift from the Pope, and swore to extirpate the Protestant religion.

It was not the moment for reason and common sense to exercise their sway over the national mind, and the diabolical lies of Oates were fully believed. It would have been vain to show the absurd flaws in this pretended plot ; the ecclesiastical fears of the country had long been smouldering, and it required but the slightest spark to kindle them into a lurid blaze. Upon minds strongly prepossessed by conclusions of their own, argument is thrown away. Two events also occurred at this time to strengthen the evidence of Oates. The papers of Coleman, the

Duke of York's secretary, were secured, and it was found that they contained passages which uncandid and prejudiced minds might to a certain extent construe as corroboration of the story of the plot. Coleman was apprehended, and sent to the Tower. A few days after his imprisonment, Sir Edmondbury Godfrey, the magistrate who had examined Oates, was found murdered in a ditch. And now fear and excitement were at fever heat. The cry rose, and was accepted, that the magistrate was murdered by the Papists because he had taken evidence hostile to them. What had happened to one man might happen to another; and in the violent death of Godfrey the alarmed people saw their own fate reflected.

It was difficult to tell whether hate or fear predominated throughout the country. The penal laws were at once in force, and the jails crowded with Papists. The city was placed in a state of defence. Every citizen barricaded his house by night, and walked about armed by day. The train bands were called out, and every precaution was adopted which alarm and suspicion could suggest. The body of Godfrey was exposed in the streets, in order to increase the hatred of the people against the mur-

derers, and his coffin was followed to the grave by vast multitudes. Admiration of Oates and detestation of the Pope were the two feelings uppermost in the breasts of all.

Whilst the country was in this state Parliament was assembled. The only subject the Legislature then cared to discuss was the Popish Plot. Charles was anxious to keep the question out of Parliament, and leave the scrutiny of it entirely to the law. But Danby, who hated the Catholics, and was anxious to court popularity, entertained opposite designs, and on the first day of the session opened the matter in the House of Lords. The King, extremely displeased at the rashness and independence of his Minister, said angrily, "Though you do not believe it, you will find that you have given the Parliament a handle to ruin yourself, as well as to distrust all my affairs; and you will surely live to repent it." The speech was certainly prophetic.

But even if Danby had obeyed the wishes of his royal master, the Houses would never have consented to quash the matter; Parliament, like the country, was burning with hate, revenge, and indig-

nation. A Solemn Fast was decreed. A Form of Prayer was drawn up by the Archbishop. Addresses were voted for laying before the House such papers as might lead to the discovery of the conspiracy. All Papist recusants were ordered to withdraw from London. The oaths of allegiance and supremacy were to be everywhere administered. All unknown persons were to be denied access to Court. The Lords Powis, Stafford, Arundel, Peters, and Bellasis were committed to the Tower, and impeached for high treason. Oates, the successful author of all this agitation, was on the other hand fêted, and caressed, and remunerated by lodgings in Whitehall, and a pension of 1,200*l.* a year.

The success which had attended the revelations of Oates naturally paved the way for a host of imitators. Impostor after impostor appeared in the witness box or before the bar of the Council, and told with gravity and with well simulated earnestness the stories his fertile brain had conceived. Though all these men adhered to the main outline of the plot of Oates, they added to its facts some still more sensational details. Godfrey, they said, had been murdered in Somerset House by the Popish

retainers of the Queen. Vast troops from Flanders were to land in Burlington Bay, and seize Hull. Guernsey and Jersey were to be occupied by forces from Brest. A Spanish army was to land in Milford Haven, and to unite with troops which the Lords Powis and Peters were to raise in Radnorshire. Forty thousand men lying *perdu* in London were ready to rise at a moment's notice for the extirpation of Protestantism. The Pope had promised his benediction and four thousand pounds to any man who would murder Charles. Nay, even the Queen herself was accused of being privy to this design of the assassination of her lord and master. Such rumours, though viewed in their true light by men like Shaftesbury and Buckingham, were eagerly believed by the nation.

The agitation against the Roman Catholics throughout the country was so strong that Charles saw at once that it would be most imprudent for him to pretend to ignore such a unanimous expression of feeling. In his opening speech to the Houses he said that he would take the utmost care of his royal person during these dangerous times. The Protestant religion had his warmest support, and he was

most anxious to establish it, not only for his own time, but for all future ages. Provided the right of succession was maintained, he would consent to any laws restraining a Popish successor. Finally, he desired that all Popish recusants should meet with instant punishment, and free the nation from their dangerous wiles. But the Houses determined to have some better security for their liberties than the mere expression of honeyed words. A new Test Act was passed, in which Popery was termed idolatry, and all members who refused to acknowledge its clauses were to be excluded from both Houses. Thus Roman Catholic peers were for the first time prevented from taking their seats in the Upper House, and it was only by a most narrow majority that an exception was made in favour of the Duke of York.

Louis the Fourteenth, attributing much of this hostility to the Roman Catholics to the influence and exertions of Danby, now determined to plot his ruin. A fitting agent was at hand. Montague, formerly the English Ambassador at Paris, a shameless and infamous character, had now obtained a seat in the Commons, and, being well bribed by the French king, laid before the Lower House

proof that the Treasurer had been implicated in an application from the Court of Whitehall to that of Versailles for a sum of money. It was a letter from Danby, written during the negotiations at Nimeguen, stating that Charles was willing to sell his good offices to Lewis, contrary to the general interest of the Confederates, and even to those of his own kingdom, if it were made worth his while. The sum demanded by Charles was six millions of livres a year for three years. Danby was so unwilling to enter into this negotiation, that the King was obliged, in order to satisfy the scruples of his Minister, to subjoin in his own words, "This letter is writ by my order. C. R."

The indignant Commons, who now saw how true had been the nature of their suspicions against the King, vented all their rage upon the Minister who had consented to sell England to France. Danby became the scapegoat. He was immediately impeached for high treason, and the articles of impeachment sent up to the House of Lords. The Peers, however, did not view his conduct in exactly the same light as the Commons, and a bitter contest between the two Houses was on the eve of

ensuing, when the King, who was by no means anxious that all the secret details of his alliance with Louis should be brought to light, determined to dissolve the House of Commons, and make an appeal to the country. Accordingly, the Parliament, which had been in existence ever since 1661, was dissolved in the January of 1679, and writs issued for a general election.

Charles, well aware of the state of the nation, and that he had adopted a desperate alternative to free himself from his embarrassments, still hoped that by dissolving the present cabals, a set of men more moderate and less tainted with the virulence of faction might be chosen. "Thus," says Hume, "came to a period a Parliament which had sitten during the whole course of this reign, one year excepted. Its conclusion was very different from its commencement. Being elected during the joy and festivity of the Restoration, it consisted almost entirely of Royalists, who were disposed to support the Crown by all the liberality which the habits of that age would permit. Alarmed by the alliance with France, they gradually withdrew their confidence from the King; and finding him still to persevere in a foreign interest, they

proceeded to discover symptoms of the most refractory and jealous disposition. The Popish Plot pushed them beyond all bounds of moderation ; and before their dissolution they seemed to be treading fast in the footsteps of the last Long Parliament, on whose conduct they threw at first such violent blame. In all their variations they had still followed the opinions and prejudices of the nation ; and even seemed to be more governed by humour and party views than by public interest, and more by public interest than by any corrupt or private influence."

For the next few weeks the country was a prey to that excitement and agitation which always precede the election of members to a new Parliament at seasons of great crises. The King and Court, aware how much depended upon the issue of the elections, exerted all their interest to procure the return of representatives in favour of the royal policy. Bribes, appointments, and all the seductions of the world, the flesh, and the devil were freely administered to those who advocated the creed of Whitehall at the hustings. But, happily, courtly sycophants and toadies were terribly in the minority.

The country was now sternly resolved only to trust the men who were the opponents of the Court and the Pope. Religion, liberty, property—nay, even life itself—depended upon the election of a vigilant and thorough Protestant Parliament. “Down with Popery!” was the national watchword, and those candidates who did not re-echo heart and soul the cry had little chance of heading the poll. The greatest energy was displayed by all classes. Men cared more for patriotism than for loyalty; more for the pure ends they had in view than for the prosecution of mere party spirit. Presbyterian and Anglican, Puritan and Cavalier, united together in organizing the most hostile opposition to the common enemy of England—the hated Papist. All the zealots of the former Parliament were the idols of the hour, and unanimously re-elected. The pulpit teemed with political sermons against the Government. The King and Court were as unpopular to the country at large in 1679 as they had been in 1641. Everyone that had a vote was eagerly canvassed, and in nine cases out of ten his vote went to the man who was the antagonist of the King, the Court, and the Duke of York. Nay, so

keenly were votes hunted after, that for the first time freeholds were split up in order to swell the number of electors.

“I know not what this will produce,” writes Sydney to Savile, “but I never saw men’s minds more heated than at present; and cannot think that portends less evil than the comet. People are everywhere busy in choosing Parliament men of their own principles, and they will probably be like unto the last, but it is thought many officers will be prevailed upon to make *false returns*. . . . Parliament men are for the most part chosen by the parties most contrary to the Court, and many believe this next House of Commons will not be at all more pliable than the last.”

Of these events Sydney was not permitted to remain a mere passive spectator. The vexatious suit which had been the result of the opposition of the Earl of Leicester to Algernon’s legacy, dragged so slowly through Chancery that Sydney felt obliged to postpone all ideas of returning to France till the matter was fully settled. Whilst thus remaining idle he was asked to stand for Guildford in the popular interest.

In its selection of a representative the little Surrey town was guided by no mere freak of fancy. Though Sydney had few personal or local claims upon its electors, he had latterly gained the adherence of a staunch ally, who was far from lacking influence in the town. This friend was William Penn. The famous Quaker, so unjustly maligned by our most brilliant historian, appears to have been on intimate terms with the various members of the Leicester family, but the one whom he most affected was the Republican. Like Sydney, he strongly disapproved of the scandalous proceedings of the Court, of Popish intrigues, and of Anglican intolerance. Though unable, from his religious convictions, to enter the House of Commons, he took a deep interest in every election. The present time he very rightly considered as fraught with great danger to English interests, and he resolved to do all in his power to counteract the peril. A tract accordingly appeared from his pen, which met with no little attention. It was entitled "England's great Interest in the Choice of a New Parliament." From the sentiments it contains, and the reforms it advocates, there is little doubt that Sydney assisted in the political parts

of the composition.* In the pamphlet Penn exhorts the nation to abandon vice and to follow virtue—to be honest themselves, if they wish to be honestly governed. “All is at stake,” he cries; “the times demand the utmost wisdom. The new Parliament will have the gravest duties:—to investigate the Plot and punish its authors; to impeach corrupt and arbitrary Ministers of State; to detect and punish representatives who have sold their votes to shorten the duration of Parliaments; and finally, to ease Nonconformists from the cruelties of the Conventicle Act and other similar statutes. Such work requires bold and able men. The man for England must be able, learned, well affected to liberty; one who will neither buy his seat nor sell his services; he must be free from suspicion of being a pensioner of the Court; he must be a person of energy and industry, free from the vice and weaknesses of gallants; a respecter of principles, but not of persons; fearful of evil, but courageous in good; and above all a firm Protestant.”

The ideal “man for England” stands out as a portrait of Algernon Sydney, and Penn, as he sketched

* Life of William Penn, by W. Hepworth Dixon, p. 169.

the combination of qualities requisite in one who was then to aim at legislative control, doubtless had his friend mirrored in his mind's eye. He saw that the man above all others who might hope to contest a borough against Court influence, with the probability of success, was Sydney. His name, his talents, the circumstances of his past life, and the loyal courage with which he had ever maintained the political opinions he cherished, were recommendations to a constituency which few could boast in a higher degree. A vacancy occurred in Guildford. The town, in spite of its sycophantic corporation, was one in which the views of the Country Party were staunchly supported. Penn knew many of its inhabitants, and his name carried weight in the borough. He advised Sydney to stand for the place, and promised to use all his influence to have him returned at the head of the poll. The Republican assented. Penn assisted him in drawing up the address, and for the next three weeks the Quaker and the Commonwealth's man were busy canvassing.

The arrival of Sydney was the signal for a violent demonstration of opposition from the Court party. But to opposition Sydney had been accustomed all

his life, and accordingly treated its virulence with the contempt it deserved. He at once called upon the Mayor, and acquainted him with his intention of standing for the town of Guildford. The Mayor replied that it was the custom of the borough for the electors to vote for the candidate nominated by the Mayor and corporation; and it was his duty to inform Colonel Sydney that the corporation had put up Mr. Delmahoy as the candidate to represent the interests of their borough, and therefore under such circumstances the best course Colonel Sydney could pursue was to retire from the contest. Sydney declined to follow his advice, and begged to tender himself to be made free of the town of Guildford, as he had heard that Mr. Delmahoy and his party had given out that, as Colonel Sydney was not a freeman, he could not be elected. The Mayor answered, that to grant such freedom depended upon the will of the corporation, but that he would at the earliest opportunity make known the wish of Colonel Sydney to that body. Content with this reply Sydney withdrew from the civic presence, and busied himself in canvassing the borough. But hearing nothing more from the Mayor respecting the

presentation of the desired freedom, he again called upon the most worshipful courtier, and repeated his request to be made free of the city. Again the Mayor gave the same answer—he would mention the matter to his brother magistrates.

Sydney.—"Pray when is the election to take place?"

The Mayor.—"Either Friday week or Monday fortnight, but at present I am not sure which will be the day."

Sydney.—"I should be glad to know as soon as possible."

The Mayor.—"I promise you, Colonel Sydney, whatever day it is to let you know as soon as the decision has been arrived at."

"Upon which," says Collins,* "on the Thursday after, the Colonel came down part of the way, but hearing the poll for the county was not over (which ended up till Friday morning), did not come to Guildford till Friday, expecting the election to be on Monday as before agreed. But the other party, hearing the Colonel was come, prevailed with the Mayor, at past twelve o'clock on Friday,

* Memoirs of the Sydneys, p. 153.

to proclaim the election next day at nine, which was market day, and never known before.

“At the time of the election, and after the precept read, the Recorder asked who stood, and being answered, amongst the rest of the competitors, Colonel Sydney, he asked if he was a freeman; and being answered No, he, in the court-house, where the election was, openly declared before the electors, he could not be chosen, although he had the plurality of voices; so as many of those that were for the Colonel refused to poll, and others that were for him would give no voice upon the account of what the Recorder said. Several of those that would have polled for the Colonel were laughed at and affronted, and refused their poll, because they did not pronounce the Colonel’s name right. They refused several that had voice to be polled for the Colonel, and admitted several that had not for Mr. Delmahoy; as almsmen and others, that received the charity of the corporation.

“Several, that would have voted for the Colonel, were threatened, that, if they did not vote for Mr. Delmahoy, they should not receive the benefit that others did of a considerable revenue that

belongs to the town, and particularly the landlord of the Crown Inn, where the Lord Longford owed a considerable sum of money (three hundred pounds and upwards) upon account of the election of knights of the shire; that if he voted for the Colonel, and not for Delmahoy, he should never be paid, or at least not in a long time; in which matter the whole town were almost concerned, and in probability the same argument might be used to many of them, as well as to the man of the Crown.

“One Mr. Penn, a Quaker, appearing for the Colonel, was called into the Court, and hindered from encouraging such as were for the Colonel; and told by the Recorder he was a Jesuit (in affront to the Colonel), to whom the Recorder would have tendered oaths (at that time contrary to law), and at last the Mayor turned him out of the Court, and forbade him to appear amongst the Colonel’s party, to the great discouragement of them; and more particularly to such as were of the same persuasion with Mr. Penn; amongst which the Colonel had several voices.”

Penn, indignant at the arbitrary interference and the irregularities openly practised by the party

supporting Delmahoy, wrote the following letter to Sydney, advising him to petition the House:—

DEAR FRIEND,

I hope you got all well home, as I by God's goodness have done. I reflected upon the way of things past at Guildford, and that which occurs to me as reasonable is this; that so soon as the articles or exceptions are digested, show them to Serjeant Maynard, and get his opinion of the matter; Sir Francis Winington, or Wallope, have been used on those occasions too. Thou must have counsel before the committee, and to advise first upon the reason of an address or petition with them, in my opinion, is not imprudent but very fitting. If they say that, the conjuncture considered, thy qualifications and alliance, and his ungratefulness to the House, they believe all may amount to an unfair election; then I offer to wait presently upon the Duke of Buckingham, Earl of Shaftesbury, Lord Essex, Lord Halifax, Lord Hollis, Lord Grey, &c. to use their utmost interest in reversing this business. This may be done in five days, and I was not willing to stay till I come, which will be with the first. Remember the non-residents on their side, as Legg, &c. I left order with all our interest to bestir themselves, and watch, and transmit an account to thee daily. I bless God I found all well at home. I hope the disappointment so strange (140 poll-men as we thought last night considered) does not move thee; thou (as thy friends) had a conscientious regard to England; and to be put

aside by such base ways is really a suffering for righteousness; thou hast embarked thyself with them that seek, and love, and choose the best things; and number is not weight with thee. I hope it is retrievable, for to me it looks not a fair and clear election. Forget not that soldiers were made free three weeks ago, in prospect of the choice (and, by the way they went, we may guess for Delmahoy's sake), and thyself so often put by, a thing not refused to one of thy condition. Of the Lower House, the Lord Cavendish, and especially Lord Russel, Sir J. Coventry, Powell, Sachevill, William Lee, Clergis, Buskowen, Titus: men, some able, some hot, and fit to be nearly engaged in the knowledge of these things. 'Tis late: I am weary, and hope to see thee quickly. Farewell.

Thy faithful friend,

WILLIAM PENN.

Acting upon this letter, Sydney drew up a full and clear statement of his case respecting the election, and complained of an undue return. His petition was referred to a Committee of Privileges, but no inquiry appears to have been instituted. Perhaps Sydney did not care to pursue the matter; or, what is more probable, Whitehall influence was brought to bear upon the proceedings so as effectually to quash them. Certain it is that Delmahoy remained in undisputed possession of his seat, and

Sydney had to content himself with being a passive spectator of the political world instead of an active director in its affairs. The weekly letters he wrote to his friend Savile plainly show, however, that though excluded from Parliament he was a constant observer of the signs of the times, and a keen critic on passing events. From these letters I shall now proceed to quote.

CHAPTER III.

LETTERS TO SAVILE.

CHARLES THE SECOND, finding that the elections in the country were going against the royal interest, owing to the hatred inspired by the Papists, and especially by the Duke of York, deemed it advisable to propitiate the nation by sending the Duke for a time to Brussels. But this concession failed to appease the people. The whole of England was now strongly imbued with Protestantism; and on the assembling of the new Parliament in March the feeling of the country was fully represented. Charles, who was as keen an observer of men and manners as any man when he chose to rouse himself out of his constitutional indolence, saw that it would not be long before differences arose between him and his "faithful Commons." Nor was he mistaken. Hardly had the Houses assembled than a collision ensued. The bone of contention was the election

of a Speaker. The King desired that the choice should fall on Sir Thomas Meres. The Commons, by a vote which seemed to be unanimous, called Seymour, the Speaker to the last Parliament, to the chair. A hot altercation now took place. The King refused to approve of Seymour's election, and ordered the Lower House to proceed to a new choice. The Commons in their turn maintained that the royal approbation was but a mere form, that the election of the Speaker rested with the House, and that the King could not reject the choice of the Commons without giving full and valid reasons. What then, it was asked, were his Majesty's reasons? Charles refused to enter into the question, and contented himself with merely rejecting the appointment of Seymour. At last the undignified dispute was settled by a compromise. Both parties withdrew their candidates, and Gregory, a lawyer, was chosen. Since this discussion, it has ever been regarded as a constitutional maxim that the choice of the Speaker lies with the House of Commons, but that the Sovereign retains the power of rejecting any person disagreeable to him.

Seymour was not personally disagreeable to

Charles, but, what amounted to very much the same thing, he was a personal foe of the Earl of Danby. And there can be little doubt that it was the influence of Danby that caused Charles to enter into this controversy with the Commons. The Lord Treasurer, however, soon had reason to repent of his rashness. The irritated Commons at once revived his Impeachment,* and asserted that notwithstanding the intervening dissolution, every part of that proceeding was precisely in the same condition as that in which it had been left by their predecessors. Charles now came forward and vindicated the conduct of his Minister. He said that as Danby had acted in everything by royal authority he was in no respect criminal, and in order to screen him from all attacks he had pardoned him,

* The articles of this Impeachment were, that he had traitorously engrossed to himself regal power, by giving instructions to his Majesty's ambassadors, without the participation of the Secretaries of State or the Privy Council; that he had traitorously endeavoured to subvert the government and introduce arbitrary power, and to that end had levied and continued an army, contrary to Act of Parliament; that he had traitorously endeavoured to alienate the affection of his Majesty's subjects by negotiating a disadvantageous peace with France, and procuring money for that purpose; that he was popishly affected, and had traitorously concealed, after he had notice, the late horrid and bloody plot; that he had wasted the King's treasure; and that he had by indirect means obtained several exorbitant grants from the Crown.

and would insist on his being pardoned; at the same time however, he added, he had resolved to dismiss him from his employment, and to remove him from the Court. The Commons refused to be satisfied with this concession, and laid down the new law that no pardon of the Crown could be pleaded in bar of an impeachment by the Commons. Sternly they insisted on the impeachment of Danby; and their claims, at first contested, were finally supported by the Peers. The Treasurer was ordered into custody, but saved himself from imprisonment by a hasty flight. A bill now passed the Commons ordering Danby to surrender himself before a certain day, or in default of such surrender to be attainted. The Upper House had attempted to change the penalty to banishment, but the Commons refused their consent, and after some conference the Peers thought it better to yield, and the bill of attainder was carried. Rather than undergo such severe penalties Danby returned, and was immediately committed to the Tower. He had, it seems, expected (though on what grounds we know not) quite another fate at the hands of the new Parliament, and had hoped to bend its members entirely

to the will of the King. The following letter from Sydney to Savile, from which irrelevant matter is omitted, is interesting.

LONDON, *April 7, 1679.*

SIR,

Being conscious unto myself that what I could say of business now upon the stage would be of little use unto you, I thought it fitter for me to be one of the last in writing to you, than to take place according to my desire of serving you, which would suffer me to yield to none; but lest this acknowledgment should be taken for a pretence to cover laziness, I will here give you such a sight of things as I have, and intend to continue to do the like as often as I can without troubling you. You will have heard from all hands what temper the House of Commons appears to be of, and that the Earl of Danby has accomplished his promise of bringing it into an entire subjection unto the King's will, as well as the other two points of paying his Majesty's debts, increasing his treasure, and rendering him considerable amongst his neighbouring princes; which are verified in leaving twenty-two shillings and tenpence in the exchequer, two and forty hundred thousand pounds of passive debts, and the revenue anticipated for almost a year and half, and the account his Lordship was pleased to give in his speech to the Peers, of the esteem the King of France had for his person and government. Notwithstanding all this, he is so far considered at Court that his concerns are a general obstruction to all business. The Lords Berckley, Frécheville, and others of the

learned, think he has behaved himself so well as to deserve no punishment, and therefore opposed the commitment of the bill of attainder that it might be cast out. Shaftesbury, Essex, and Halifax differing something in opinion from them, in compliance unto the King's desires, did, as an amendment, wipe out the word attainder, and made it almost the same with that which their Lordships had formerly sent up to banish him, and declaring him attainted only if he came into England after the first of May next: the consideration of which business is likely this day to possess the House of Commons, and if their mind be known before this letter be sealed it shall be inserted.

The next important point likely to be pursued is to prosecute the last week's vote that all the forces now in England, except the trained bands,*

* Sir Robert Atkins, in his remarks on Lord Russell's indictment, wherein the attempting to seize and destroy the King's guards was laid as an overt act of treason. "The guards, what guards?" asks he. "What or whom does the law understand or allow to be the King's guards, for the preservation of his person? Whom shall the Court that tried this noble Lord, whom shall the judges of the law that were then present and upon their oaths, whom shall they judge, or legally understand by these guards? They never read of them in all their law books. There is not any statute law that makes the least mention of any guards. The law of England takes no notice of any such guards; and therefore the indictment is uncertain and void.

"The King is guarded by the special protection of Almighty God, by whom he reigns, and whose Vicegerent he is. He is an invisible guard, a guard of glorious angels.

Non eget mauri jaculis, nec arcu,
Nec venenatis gravida sagittis
(Crede,) pharetra.

"The King is guarded by the love of his subjects, the next under God,

were kept up contrary to law; and though it was objected that the King's guards and the garrison of Portsmouth and other places would be included, it was answered that Kings governing justly according to law had no need of *custodia corporis*; and that it was better to have no garrisons at all than such as were commanded by Legg, Holmes, and their Peers. . . .

All foreign affairs are at a stand, only Van Beuninghen [the Dutch ambassador at the Court of St. James'] takes great pains to make people believe the King of France intends to add England unto his other conquests, and disabuse such as were so foolish as to believe there was anything of truth in the reports of those that had spoken of the Popish Plot; and finding me infected with the same opinion, with some of my friends, he was pleased to spend two hours the other day in the park, to convince me of my error, in

and the surest guard. He is guarded by the law and the Courts of Justice. The Militia and the Trained Bands are his legal guard, and the whole kingdom's guard. The very Judges that tried this noble Lord were the King's guards and the kingdom's guards; and this Lord Russell's guard against all erroneous and imperfect indictments, from all false evidence and proof, from all strains of wit and oratory misapplied and abused by counsel.

"What other guards are there? We know of no law for more. King Henry VII. of this kingdom, as history tells us, was the first that set up the Band of Pensioners. Since this, the Yeomen of the Guard; since them, certain armed bands, commonly nowadays, after the French mode, called the King's life-guard, rode about, and appearing with naked swords to the terror of the nation; but where is the law? Where is the authority for them?" (See "Parliamentary and Political Tracts," by Sir Robert Atkins: "A Defence of the late Lord Russell's Innocency," p. 359.)

"Our trained bands are the trustiest and most proper strength of a free nation not at war within itself."—*Eikonoklastes of John Milton.*

which he did succeed as well as he used to do in his great designs.

The King certainly inclines not to be so stiff as formerly in advancing only those that exalt prerogative ; but the Earl of Essex and some others that are coming into play thereupon, cannot avoid being suspected of having intentions different from what they have hitherto professed. . . .

The House of Commons have this day presented unto the Lords the articles drawn against the five lords in the Tower. I also hear just now, that they do adhere to the bill of attainder of the Earl of Danby, and will no ways admit of the Lords' amendments of it. One Reading, a lawyer, not long since offered four thousand pounds, and three hundred pounds a year in land, to Bedloe,* if he would disavow the testimony he had given against the lords of Powys, Bellassys, and Peters ; which being communicated unto Prince Robert and the Earl of Essex, he brought Reading by their advice into a place where two witnesses heard him ; whereupon Reading was apprehended, and he having found means whilst he was in the serjeant's hands to send a letter to his wife, to be delivered to Mr. Chyvens (desiring to be admitted to the King's presence, promising to tell great matters), his Majesty refers him wholly to the House of Commons, and offers to issue out a commission of Oyer and Terminer for his trial, which will be very speedy, if he save not himself by discoveries : this morning a letter was intercepted written to him

* See Lingard, vol. xiii. p. 137.

by his wife, wherein she tells him, that everybody says he is a rogue, and if he doth not confess all, he will be hanged, and she, together with her children, ruined.

I am, your most humble servant,

ALGERNON SYDNEY.

Writing a fortnight later, Sydney says :*—"I presume you know that the Earl of Danby rendered himself to the Black Rod on Wednesday last ; and that, desiring of the Lords at the Bar that for his health he might be suffered to continue under his custody ; that he might have recourse, as often as occasion should require, to all state papers that were necessary to him in making his defence ; that he might at once have a copy of all his charge, and be obliged not to answer to any part, until the whole were before him ; and that he might have Serjeant Weston, Serjeant Raymond, Mr. Sanders, and Mr. Holt assigned unto him for counsel ; he received no other answer than that if he told what papers he desired, the House would do as was usual in those cases ; that the House of Commons could not be abridged of the liberty retained to itself, of bringing in additional charges, if it were thought

* Letters to Henry Savile : London, April 21, 1679.

fit; that he might have for his counsel such of those he had named as were not of the King's; and that he must be committed to the Tower, where Cheeke received him. Subtle men find great mysteries in his rendering himself, and make the King to be of the plot; but those that see no farther than I, believe he hath had in this, and all his businesses of late, no other counsel than his lady."

Charles, now deprived of the services of his chief Minister, and fully conscious that the Parliament, by its keen prosecution of Danby, and the policy of military reduction it had begun to advocate, was opposed to the royal interests, looked round for some trusty friend to help him in his extremity with sound advice. He accordingly fixed his eyes upon Sir William Temple, who had lately been recalled from his foreign employments, and resolved to raise him to the post of chief adviser to the Crown. "Of all the official men of that age," says Lord Macaulay, "Temple had preserved the fairest character. The Triple Alliance had been his work. He had refused to take any part in the politics of the Cabal, and had, while that administration

directed affairs, lived in strict privacy. He had quitted his retreat at the call of Danby, had made peace between England and Holland, and had borne a chief part in bringing about the marriage of the Lady Mary to her cousin the Prince of Orange. Thus he had the credit of every one of the few good things which had been done by the Government since the Restoration. Of the numerous crimes and blunders of the last eighteen years, none could be imputed to him. His private life, though not austere, was decorous: his manners were popular; and he was not to be corrupted either by titles or by money. Something, however, was wanting to the character of this respectable statesman. The temperature of his patriotism was lukewarm. He prized his ease and his personal dignity too much, and shrank from responsibility with a pusillanimous fear. Nor indeed had his habits fitted him to bear a part in the conflicts of our domestic factions. He had reached his fiftieth year without having sat in the English Parliament; and his official experience had been almost entirely acquired at foreign courts. He was justly esteemed one of the first diplomatists in Europe: but the talents and

accomplishments of a diplomatist are widely different from those which qualify a politician to lead the House of Commons in agitated times."

The scheme Temple proposed was plausible, and apparently feasible. He represented to Charles that as the jealousies of the nation were extreme, it was necessary to cure them by some sure remedy. The Legislative, conscious of its power, was gradually encroaching upon the Executive. To refuse all the demands of Parliament was very dangerous. To grant all its demands was equally very dangerous. The plan, therefore, to adopt, was to introduce into the King's Councils certain men in favour of the popular party, who enjoyed the confidence of the people. A combination of men who supported the royal interests with men who advocated those of the people, would obviate the difficulty. Fewer concessions from the King would be demanded, whilst all unreasonable requests could safely be refused. The advice of Temple was accepted. A new Privy Council was planned. The number of its councillors was fixed at thirty; fifteen were to be the chief Ministers of State, of law, and of religion; the other fifteen were to be noblemen and gentlemen of ample

fortune and high character, but bound by no tie of interest to the Court. To this Council every political secret was to be entrusted, and the King declared that on every occasion he would be guided by its advice.

“You will perhaps be surprised to hear,” writes Sydney to Savile,* “that yesterday the King did entirely dissolve his old Privy Council, and chose a new one, consisting of fifteen officers of the Crown, ten Lords, and five Commoners; his Majesty retaining unto himself the liberty of naming a President, calling such Princes of the blood as should be from time to time, and the Secretary of Scotland for the time being, if he thought fit; declaring moreover, that whensoever any place should be vacant, he would name none without the advice of the Council, and that the person named should be called by a letter subscribed by them all. To which he was pleased to add, that he would have no first or principal minister, no committee of foreign affairs, or cabinet council; but that in all things he would follow and rely upon their advice, next unto that of his great council, the Parliaments,

* Letters to Savile: April 21, 1679.

which was also specified in the letter sent by his Majesty for the calling of every one of them who are now to serve in council. The officers, who by their places are to be of the Council (as I remember) are the Chancellor, Chief Justice, Privy Seal, Ormond Steward, Arlington Chamberlain, Sussex as First Commissioner of the Treasury, Sir Henry Capell as First Commissioner of the Admiralty, the Chancellor of the Exchequer, the Archbishop of Canterbury and Bishop of London, the two Secretaries, and some others that I have forgot; but Newport and Mainard are none. The Lords are—the Dukes of Newcastle and Albemarle, the Marquesses of Winchester and Worcester, Earls of Bridgewater and Salisbury, Viscounts Faulconbridge and Halifax, Barons Roberts and Hollys. Commoners are—the Lords Russell and Cavendish, Mr. Powell, Mr. Seymour, and Sir William Temple. I hear also seven Commissioners named for the Admiralty, Sir Henry Capell, Merres, Littleton, Vaughan, Mr. Daniel Finch, and two others that I have forgotten. The Lord Shaftesbury is declared President of the Council. These were sworn this morning, and that ceremony being performed, the King went to the

House of Lords, and sent for the House of Commons, to whom he did impart all that had passed; and all that I have yet spoken with seemed much pleased; though it might have been wished that some of those that are chosen had been left out. A friend of yours and mine is, as far as I understand, the author of all this; and if he and two more can well agree amongst themselves, I believe they will have the management of almost all businesses, and may bring much honour to themselves, and gain to our nation."

The last paragraph of this letter is prophetic. Sydney was now somewhat behind the scenes of the Government, and had ample opportunities of seeing in which direction the political tide was setting. Sir William Temple, the author of the scheme, and the son of his father's old friend, Sir John Temple, was now very cordially disposed to him. The two leading statesmen of the day were George Savile, Viscount Halifax, the brother of the Ambassador, a nephew of Sydney's by marriage, and Robert Spencer, Earl of Sunderland, the grandson of the late Earl of Leicester; and, consequently, also a nephew of Algernon Sydney. Associated with

these two men, the Republican saw clearly, from the nature of the organization of the Council, and from the character of its members, what would be the final result of Temple's scheme. Nor was it long before this result became apparent. At first the new Board appeared to work well, but soon the various elements of which it was composed began to struggle for conflicting interests, and to put a check to all administrative progress.

"The new Board," says Macaulay, "was half a Cabinet and half a Parliament, and, like almost every other contrivance, whether mechanical or political, which is meant to serve two purposes altogether different, failed of accomplishing either. It was too large and too divided to be a good administrative body. It was too closely connected with the Crown to be a good checking body. It contained just enough of popular ingredients to make it a bad Council of State, unfit for the keeping of secrets, for the conducting of delicate negotiations, and for the administration of war." As Sydney had wisely predicted, the business of the new Council soon passed into the hands of a small coterie, which really directed everything. The mem-

bers of this coterie were Temple, the Earl of Essex, Viscount Halifax, and the Earl of Sunderland.

Lord Essex, the First Commissioner of the Treasury, was a man of good abilities, and a prominent leader of the Country party; his aim was to reconcile the popular interest with the throne. But the first statesman of the day was the brilliant Halifax. He was an eloquent speaker, a keen political writer, and an unconventional, liberal-minded man. He and his followers were contemptuously called the Trimmers. And they were so called because they objected to extreme measures and extreme opinions of any kind. The believer in the divine right of kings, the advocate of passive obedience, the Anglican bigot or the Puritan bigot, were all equally obnoxious to Halifax. No one more fully believed in the maxim *medio tutissimus ibis*. "Everything good," he said, "trims between extremes. The temperate zone trims between the climate in which men are roasted and the climate in which they are frozen. The English Church trims between the Anabaptist madness and the Papist lethargy. The English constitution trims between Turkish despotism and Polish anarchy. Virtue is nothing but a just temper

between propensities, any one of which, if indulged to excess, becomes vice." Thus Halifax was a Trimmer on principle, and the name his enemies hurled at him in contempt, he adopted as a title of honour. Now on one side, now on the other, he was still no base traitor—no vulgar political renegade. "He had nothing," says Macaulay,* "in common with those who fly from extreme to extreme, and who regard the party which they have deserted with an animosity far exceeding that of consistent enemies. His place was between the hostile divisions of the community, and he never wandered far beyond the frontier of either. The party to which he at any moment belonged, was the party which, at that moment, he liked least, because it was the party of which, at that moment, he had the nearest view. He was, therefore, always severe upon his violent associates, and was always in friendly relations with his moderate opponents. Every faction, in the day of its insolent and vindictive triumph, incurred his censure; and every faction, when vanquished and persecuted, found in him a protector." From this character we can understand why he befriended Sydney.

* History of England, vol. i. p. 245.

The character of Sunderland is depicted in less flattering colours. "Sunderland," says Macaulay,* "was Secretary of State. In this man the political immorality of his age was personified in the most lively manner. Nature had given him keen understanding, a restless and mischievous temper, a cold heart, and an abject spirit. His mind had undergone a training by which all his vices had been nursed up to the rankest maturity. At his entrance into public life, he had passed several years in diplomatic posts abroad, and had been, during some time, minister in France. Every calling has its peculiar temptations. There is no injustice in saying that diplomatists, as a class, have always been more distinguished by their address, by the art with which they win the confidence of those with whom they have to deal, and by the ease with which they catch the tone of every society into which they are admitted, than by generous enthusiasm or austere rectitude; and the relations between Charles and Louis were such that no English nobleman could long reside in France as envoy, and retain any patriotic or honourable sentiment. Sunderland came forth from the

* History of England, vol. i. p. 246.

bad school in which he had been brought up, cunning, supple, shameless, free from all prejudices, and destitute of all principles. He was, by hereditary connection, a Cavalier; but with the Cavaliers he had nothing in common. They were zealous for monarchy, and condemned in theory all resistance. Yet they had sturdy English hearts which would never have endured real despotism. He, on the contrary, had a languid speculative liking for republican institutions, which was compatible with perfect readiness to be in practice the most servile instrument of arbitrary power. Like many other accomplished flatterers and negotiators, he was far more skilful in the art of reading the characters and practising on the weaknesses of individuals, than in the art of discerning the feelings of great masses, and of foreseeing the approach of great revolutions. He was adroit in intrigue; and it was difficult even for shrewd and experienced men, who had been amply forewarned of his perfidy, to withstand the fascination of his manner, and to refuse credit to his professions of attachment. But he was so intent on observing and courting particular persons, that he forgot to study the temper of the nation. He

therefore miscalculated grossly with respect to all the most momentous events of his time. Every important movement and rebound of the public mind took him by surprise; and the world, unable to understand how so clever a man could be blind to what was clearly discerned by the politician of the coffee houses, sometimes attributed to deep design what were, in truth, mere blunders."

The duties devolving upon these four chief confidential advisers of the Crown were far from being nominal. The country, though expressing approval of Temple's policy, was still too jealous and anxious to be diverted by it from the one great end it had in view—the prostration of Popery. Lord Shaftesbury, jealous of the supremacy of Halifax and Sunderland in the King's Council, allied himself all the more with the popular party, and agitated, directly or indirectly, in both Houses of Parliament for the exclusion of the Duke of York, and for severe limitations to be placed on the conduct of the Roman Catholics. The House of Commons eagerly supported him, and proceeded so far as to vote unanimously, "That the Duke of York's being a Papist, and the hopes of his coming to the Crown, gave

the highest countenance to the present conspiracies and designs of the Papists against the King and the Protestant religion."

"Shaftesbury and Halifax," writes Sydney,* "are eminent in pleading for indulgence to tender-conscienced Protestants and severity against Papists. The first of these said the other day, 'he neither could live with or under a Papist.' The House of Lords is busy upon one Bill concerning Popery, and the House of Commons upon another, both inclining to find a way of distinguishing Protestants only from Papists, but cannot yet resolve upon it, so as to include the several Dissenting sects; that Papists may not be sheltered, and receive the indulgence (which is not intended them) under other names; and this difficulty is chiefly occasioned by the Quakers, who, for more than one reason, are thought least to deserve much to be cared for. . . . Yesterday was appointed extraordinary by the House of Commons, to consider of the succession of the Crown in relation to Popery; . . . at last it was concluded that a proclamation should be issued to banish all Papists, without any other exceptions than public

* Letters to Savile, April 21, 1679.

ministers and their followers, twenty miles out of London—the Lady Portsmouth was named, but not pursued; that the Duke of York being a Papist, the hopes of his succeeding unto the Crown had been the principal ground and foundation of the plot against the King's life and the Protestant religion; that the Secret Committee should, on Wednesday next, bring into the House such letters and papers as they had in their hands relating unto the said Duke. The concurrence of the Lords is desired as to the proclamation, and the first vote concerning the Duke; and the Lord Russell, notwithstanding his being a Privy Counsellor, appointed to carry up the message. They also voted an address to be made to the King, that all sea-ports, places of strength, and command of ships, may be put into trusty hands, and concluded to refer the farther consideration of this business to Wednesday next, and I believe it will be then debated, whether such an association shall be entered into as was appointed in Queen Elizabeth's time; or an Act made, that this Parliament should not determine in such a time as should be limited, though the King should die, or in so many months after, or

something to that purpose, which may tend to the King's security."

Charles, fearing that this violent antipathy against Popery would result in a Bill positively excluding the Duke of York from the throne, now proposed through himself and through the Lord Chancellor, certain limitations to the Parliament. These limitations deprived the heir apparent of the chief branches of royalty. A scheme was drawn up by which the nation, at the commencement of a new reign, could be insured of having a Parliament which the King should not for a certain time have it in his power to dissolve. In case of a Roman Catholic ascending the throne, the prince was to forfeit the right of conferring any ecclesiastical preferments. No member of the Privy Council was to be sworn but by consent of Parliament. No lawyer was to be raised to the Bench or to be displaced from office but by consent of Parliament. The same precaution was to be extended to the military part of the Government, to the Lords Lieutenants and Deputy-Lieutenants of counties, and to the officers of the Navy. Important and sweeping as were these concessions, the House of Commons refused to accept them ; nothing short of a Bill of

Exclusion, it said, would satisfy the Protestant party. The Duke of York once banished, and the succession assured to a Protestant, the country would be at peace and all internal dissensions at an end, but not till then.

“Though the last week was spent rather in wrangling than the despatch of any business of importance,” writes Sydney,* “I continue to give you an account of what I hear, because these irregular motions are often the forerunners of great matters ; and as they denote the temper of a nation, they give good grounds of guessing what they will end in. I do not send you the King and Chancellor’s speeches, because I presume care was taken to send them to you by the last post ; but perhaps others have not been so free in telling you the effect of it as I shall be. The courtiers did believe that the King’s yielding that the Parliament should not end with his life, or be revived by his death, if it chanced to be dissolved in his lifetime, and have the nomination of all officers, both civil and military, if his successor proved to be a Papist, would have given entire satisfaction unto the House of Commons. But to the

* Letters to Savile, May 5, 1679.

contrary, it is certain that the supposition that the next in blood must be King, though a Papist, is so distasteful to them, that nothing will please upon that odious condition; and as to this particular, it is looked upon as a trick to bring the Parliament to confess and confirm the Duke's title, that is, a little gilding to cover a poisonous pill. This puts them upon various counsels; some would impeach him, upon what is discovered of his part in the plot; others incline more to bring in an Act, to exclude him from the succession of the Crown, as being a Papist, and thereby a friend unto, and dependent upon, a foreign and enemy power. Some of those that are of this mind look who is fittest to succeed, if this should be; and they are for the most part divided between the Prince of Orange and Duke of Monmouth. The first hath plainly the most plausible title, by his mother and his wife; but, besides the opinion of the influence it is believed the Duke of York would have over him, it is feared that the Commonwealth party in Holland would be so frightened with that, as to cast itself absolutely into the hands of the King of France, who might thereby have a fair occasion of ruining both England and Holland.

I need not tell you the reasons against Monmouth ; but the strongest I hear alleged for him are, that whosoever is opposed to York will have a good party, and all Scotland, which is every day like to be in arms, doth certainly favour him, and may probably be of as much importance in the troubles that are now likely to fall upon us, as they were in the beginning of the last. Others are only upon negatives. But when I have said what I can upon this business, I must confess I do not know three men of a mind, and that a spirit of giddiness reigns amongst us far beyond any I have ever observed in my life."

In spite of the opposition of Charles and the Court party, the Protestant interest in Parliament, acted upon by the intrigues of Shaftesbury, carried the day, and a Bill was brought in for the total exclusion of the Duke of York from the Crown of England.

"The severe Bill against the Duke of York was read on Thursday last," writes Sydney,* "and is appointed to be read again to-morrow. It recites the Pope's pretensions to power over kings, particularly in England ; the immorality of the Roman

* Letters to Savile, May 19, 1679.

religion ; incompatibility of those that profess it with English Protestants ; their perpetual plots against the Government ; sedulity in seducing the Duke ; and a multitude of other things of the like nature in the preamble : asserts the power of Parliament to dispose of the succession as best conduced to the good of the kingdom, which had been often exercised in debarring those that were nearest in blood, but never with so much reason as now : wherefore it doth enact, ‘that the Duke should be, and was thereby excluded ; declares him attainted of high treason, if he landed in England before or after the King’s death ; forbids commerce or correspondence with him, under the same penalty of treason.’ This pleaseth the city so well, that a petition is framing there, which will be presented in two days, signed by one hundred thousand men, to give thanks unto the Parliament for their vigorous proceeding in discovering the Plot, and opposing of Popery, and promising to assist them in so doing with their lives and fortunes.”

The Exclusion Bill passed the Lower House by a majority of 79. It declared that after the death of Charles, the sovereignty of these kingdoms should

devolve to the person next in succession after the Duke. That all acts of royalty which the Duke should attempt to perform, would be regarded as treason. That if he attempted to return to Great Britain or Ireland, it should also be considered treason. And that all who supported his title should be punished as rebels and traitors. The Bill accepted by the Commons was at once sent up to the Lords for their approval.

Though the Exclusion Bill occupied the lion's share of the labours of the session, the impeachment of Danby was not permitted to drop. The Commons, keenly alive to the nature of the disclosures which would ensue from a trial of the late Lord Treasurer, did all in their power to bring matters to a crisis. Charles, on the other hand, not wishing to have his intrigues with France laid open, employed his whole interest in supporting the validity of the pardon he had granted to his Minister. Between the aggressive Commons and the protesting Monarch, the Lords endeavoured to interpose their authority, but in vain. The Commons refused to have their pretensions made the subject of argument and inquiry. It was the duty of the Peers to try

the case, but not to act the part of a grand jury, and to see whether there were sufficient grounds for returning a true Bill. The privilege of impeachment was vested solely in the Lower House, and that privilege the Commons intended to exercise to its fullest extent.

Throughout the letters of Sydney to Savile, there is constant mention of the disputes and opposition which the trial of Danby engendered.* “I hear,” he writes, “that Danby hath put in a huge long answer, containing great protestations of his own innocence as to every part of his charge; and then pleads his pardon, which enumerates and acquits him of all the crimes, that it is almost possible for a man to commit. This is by some thought very strange; his innocence that he protests, declaring that he had no need of pardon, and the pardon pleaded in effect acknowledging the truth of his charge; it being useless, if he be not guilty. Hereupon other questions do arise, as whether the King can pardon: whether if he have this power, he hath rightly executed it, the formalities not having

* On this subject see “Answer of Danby to Charges brought against him:” State Papers (Domestic), Charles II., 1680: undated.

been observed: and lastly, whether he will insist upon this answer, which will not leave him any plea at all, if the pardon be judged defective. I dare give no opinion upon these points, but I hear the learned say, the King cannot pardon a man impeached by Parliament upon a public account: that though he could, this would be of no value, being defective in all the formalities: and though, perhaps, the Court may be prevalent enough in the House of Lords to have it admitted, that would be of evil consequence, no man doubting but the House of Commons will extremely dislike such a judgment, and grow very refractory thereupon; and the whole nation would follow them in it, so as all business would be thereby obstructed, by which means the King, upon the personal account of the Earl of Danby, would lose the advantage of all that hath been done of late to please the nation; which I leave to your judgment, that know the Court much better than I do." A few days later* he continues: "The Earl of Danby, on Saturday last, did insist upon his former plea and answer, how little sense soever there be in it. Some say it is *ex industria*

* Letters to Savile, May 5, 1679.

perplexa, and that, having the Court and the House of Lords to favour him, he cares not for the inconsistency of protesting his innocence, which renders his pardon useless, and pleading his pardon, which is a confession of guilt; hoping that if the Commons do demur in law upon the two points (first that the King cannot pardon a delinquent impeached by one commoner, much less by all the Commons in England; secondly, that though it were granted he might pardon, this pardon could not hold, because it wants all the formalities), the Lords would overrule it, and then he is acquitted.

The House of Commons have voted that the pardon pretended by the Earl of Danby was of no value, and went up to desire justice upon him of the House of Lords. We live in a time that no man, by what is passed, can well judge what is to be expected for the future. But I am much inclined to believe, that Danby having in the last act followed his own disposition, that ever delighted in juggling and indirectness, will, by the trick he hath played, have found a way to hang himself.

The House of Commons have forbidden all commoners of England to be of counsel to the Earl of

Danby, under the pain of being esteemed betrayers of the rights of all the Commons, by whom he is accused, unless leave be asked and given by them.”* Another complication with regard to this trial now took place. The Commons objected to the Bishops sitting in the House of Lords, not only when the trial of Danby should commence, but also when the validity of his pardon should be discussed. After the Reformation, it had been the custom for the Bishops to absent themselves from the House during the investigation of capital trials. Gradually this practice—from becoming voluntary—became a rule; and on the Earl of Strafford’s trial, the Bishops, who would gladly have attended, were yet obliged to withdraw.

But now a new question of no small importance was started. The Commons insisted that the Bishops had no more title to vote in the question of the Earl’s pardon than in the impeachment itself. The Bishops, on the other hand, asserted that the pardon was merely a preliminary, and that neither by the canon law, nor by the practice of Parliament, were they ever obliged to withdraw in capital cases till

* Letters to Savile, May 12, 1679.

the very commencement of the trial itself. "The Lords and Commons," writes Sydney,* "have not yet found the way of agreeing upon the method of trying the Earl of Danby and the other Lords. The Bishops are the principal causes of the dispute, affecting a right to sit as judges, and content themselves to leave the exercise of it to the Papists, but with a protestation that the precedent be not alleged against them for the future, but insist upon sitting in the Earl of Danby's case, until they come to vote upon life or death; and to show how ingenious they are in that point, they profess they do no prejudice to their calling, in being his judges, resolving not to condemn him. The truth is, that business is full of a multitude of difficulties, that are very hard to decide; the chief of which are, first, whether the King hath power to pardon one impeached by the Commons; secondly, whether that judgment, belonging to the declaratory part of the law, is to be given by one or both Houses. Thirdly, in case the King can pardon, whether this hath the formalities required. Fourthly, if this pardon be not good, whether he may be admitted to plead

* Letters to Savile, May 19, 1679.

anything else. Fifthly, if he may plead, whether the points he is accused of amount to treason, which may probably exercise the House until it be dissolved or prorogued. The two Houses differ also, in that the Lords would first try the Popish Lords, and the Commons would give the preference to Danby."

The House of Lords supported the Bishops in their view of the matter, and contended that the Bench had a perfect right to vote when the validity of the pardon should be examined. The Commons firmly adhered to their objections, and insisted on the withdrawal of the Bishops. A quarrel ensued between the Houses, and party feeling ran high.

The King determined to avail himself of this dispute to prorogue the Parliament. Such a proceeding would kill two birds with one stone; it would prevent a debate in the Lords on the Exclusion Bill, and at the same time would postpone the trial of Danby. Accordingly, with true Stuart fidelity, he hastened down to the Houses, and, without consulting his new Council, prorogued the Parliament. The date of this prorogation, the 27th May, 1679, will be ever memorable as the day when the Habeas Corpus Act, the most celebrated

prerogative writ in the English law, and the principal bulwark of English liberty, received the Royal assent, and became law. Shortly after the prorogation Parliament was dissolved, and the country again became a prey to the excitement of another general election. Charles was determined to try every means which offered the slightest probability of securing a more pliable Parliament.

The sudden prorogation of the Houses raised a fearful storm of fury and indignation. Shaftesbury publicly threatened he would have the head of whoever had advised it. "This day was sennight," writes Sydney to his friend,* "the prorogation of the Parliament was spoken of, but being then uncertain, and (as I thought) not like to be, I was not willing to mention it; but it fell out the next day, and all men's wits have been screwed ever since that day to find out the consequences. Everybody hath had his conjecture, and the most ignorant showed themselves the most bold in asserting their opinions. Many find that the King would not have done it, if he had not resolved to send for the Duke, keep up the army, desire assistances from

* Letters to Savile, June 2, 1679.

abroad, sell Jersey and Tangier to the French (for which Mr. Savile is to make the bargain!), set the Earl of Danby at liberty, and with the help of the Papists and Bishops set up for himself. . . . No man will avow having been the King's counsellor in this business; and some wonder that his Majesty, having promised in constituting the Privy Council that he would in all things follow their advices, next unto those of the Parliament, should so suddenly prorogue that great Council, without so much as asking the other. This fills men with many ill humours; the Parliament men go down discontented, and are likely, by their reports, to add unto the discontents of the countries, which are already very great; and the fears from the Papists at home, and their friends abroad, being added thereunto, they begin to look more than formerly into the means of preserving themselves. . . . Some that know matters better than I do, must tell you, whether we shall have the same Parliament at the end of the prorogation, or a new one, or none at all. But I think, this or another will be found necessary; and if this be dissolved, another will be chosen of less inclinations to favour the Court."

No sooner had the Parliament been prorogued than the baffled enemies of the Court resumed with renewed vigour the prosecution of those Roman Catholics accused of the Plot. The services of Oates, Bedloe, and his infamous crew, were called into requisition, and Jesuit after Jesuit was sentenced to death by a prejudiced Judge, a packed jury, and upon trumped-up evidence. It is strange that a man of Sydney's penetration and sound judgment should have given full credence to the "nursery tales" of the Popish Plot. He adds his name to the already well-stocked list of those who, though intellectually superior to the age in which they live, are yet often imbued with some of its silliest prejudices and most virulent conclusions. That Sydney, in spite of his intimate connection with the adherents of the See of Rome in other countries, *did* believe in the fables of Oates and the guilt of the Jesuits, is evident from the tone in which he alludes to the trials of those charged with being privy to the conspiracy in his letters to Savile. "On Friday last," he writes,* "Harcourt, Whitebread (provincial of the Jesuits), and three other priests, were at the Old

* Letters to Savile, June 16, 1679.

Bailey found guilty of the Plot, and condemned as traitors. On Saturday the like sentence passed upon Langhorne [an eminent lawyer, by whom all the concerns of the Jesuits were managed]. The trials were in all respects fair, even by the confession of the adversaries.* The arraigned persons placed all the hopes of their defence upon the invalidating Oates his testimony, to which end they had about sixteen witnesses sent from St. Omer's to assert that they had seen him every day in May and June was a twelvemonth at St. Omer's, and consequently he could not be here, as he doth assert; but as three of them, having been apprehended by Sir William Waller at their first coming told him they were come to be witnesses, and being asked what they were to witness, they said they must know that from their superiors; it did plainly appear at the trial that they were ready to say whatever they were bid; and Oates did plainly prove by a knight and two of his servants, two Protestant parsons, a Papal priest, and some others, that he was here at that time; so as his testimony was taken without dispute. This is a dangerous leading case for the Lords in the Tower,

* See account in Hume, vol. vi. p. 145.

whose principal hopes were to invalidate the testimony of Oates, Bedloe, and Dugdale; all which, being confirmed by the judgment of a jury in the face of all London, cannot be questioned." And again: * "The five priests formerly condemned were executed on Saturday, confessing nothing. Laughorne is reprieved for some time, upon his offer to confess that which shall deserve his life. The Earl of Shaftesbury hath been twice with him, but, as is said, hath as yet gained nothing from him, but the discovery of some lands belonging to the Jesuits, Franciscans, and Benedictines not exceeding two thousand pounds a year, which will not save his life. Wakeman [Sir George Wakeman, the Queen's physician, who was accused of an intention to poison the King] is to be tried this week at the King's Bench Bar. His relations desire he should confess, and think he will. It is said that about this time was a twelvemonth, some women visiting his wife saw a daughter of hers growing up to be marriageable, which gave occasion to the gossips to ask the mother what portion she should have? To which she answered, that if one

* Letters to Savile, July 2, 1679.

thing hit right, Sir George would give her 10,000*l.*; which people now reflecting upon together with the life and estate of the person, believe that one thing which was to enable him to give so large a portion was the 15,000*l.* which was promised him to poison the King." Again:* "Those who use to extol all that relates to Rome admire the constancy of the five priests executed the last week, but we simple people find no more in it than that the Papists, by arts formerly unknown to mankind, have found ways of reconciling falsehood in the utmost degree with the hopes of salvation, and at the best have no more to brag of than that they have made men die with lies in their mouths. Langhorne's discoveries being trivial, relating only to lands of small value belonging to convents, I think he will be hanged this day or to-morrow. . . . Langhorne was yesterday hanged, professing the same innocence that the Jesuits did, and had the fortune, as well as they, to be believed only by those that are in the same crimes or are concerned in having them concealed. . . . Wakeman's trial is put off, as is believed, to avoid the indecency of the discourses that would have been made."

* Letters to Savile, July 9, 1679.

Sydney gives no further account of Wakeman to Savile. The trial of the Queen's physician was, however, not "put off," but duly came on, and resulted in a complete acquittal. It was the first verdict the brazen-faced informers were unable to obtain. "The first check which they received," says Hume, "was on the trial of Sir George Wakeman, the Queen's physician, whom they accused of an intention to poison the King. It was a strong circumstance in favour of Wakeman that Oates, in his first information before the Council, had accused him only on hearsay; and when asked by the Chancellor whether he had anything further to charge him with, he added, 'God forbid I should say anything against Sir George; for I know nothing more against him.' On the trial he gave positive evidence of the prisoner's guilt. There were many other circumstances which favoured Wakeman; but what chiefly contributed to his acquittal was the connection of his cause with that of the Queen, whom no one, even during the highest prejudice of the times, could sincerely believe guilty. . . . But Wakeman, after he recovered his liberty, finding himself exposed to

such inveterate enmity, and being threatened with further prosecutions, thought it prudent to retire beyond sea ; and his flight was interpreted as a proof of guilt by those who were still resolved to persist in the belief of the conspiracy.”

CHAPTER IV.

SCOTLAND.

THE discontent and agitation which reigned in England now made itself felt across the border. The Episcopal Church which Charles, like his father and grandfather, attempted to set up in Scotland, had long been the object of every true Presbyterian's bitterest detestation. At first, this hate was sullen and latent. The Scottish statesmen who controlled the domestic affairs of their own land were too jealous of the King's prerogative, and too mindful of the despotism of Cromwell, to play into the hands of the Opposition, and thus inflame the kingdom into open resistance. Nay, they had even the cowardly cruelty to persecute those few stern Covenanters who felt, in spite of all persecution and hostility, that it was their duty to obey God rather than man, and to defy the establishment of a Church which in their eyes was corrupt and superstitious.

But, as opposition to the King became more and more evident in England, the Presbyterian majority of Scotland began to display a more open and dangerous resistance to that Anglican minority which had insolently transgressed the laws of toleration, and usurped the authority of the Kirk. Conventicles multiplied daily all over the country. The Anglican clergy were mobbed and insulted. Seditious meetings were everywhere held. Armed men mustered in their places of worship, and listened to their presbyters' prayers and sermons with hands on sword and claymore. Attendance to the ministrations of the Episcopal clergy was openly refused. And now had only a man with the daring and energy of Knox come forward, the country would have risen in insurrection.

These indications of revolt were not lost upon the Government at Whitehall. Measures more tolerant and lenient were at once introduced. The authority of the Bishops was greatly diminished. Submission to the Established Church was no longer made compulsory. Popular Presbyterian preachers were settled in vacant livings. Courts were incessantly held to remove and appease religious

differences. But such conciliatory proceedings were all in vain. The people of Scotland refused every attempt at a compromise, and wished alone for the Kirk, the whole Kirk, and nothing but the Kirk. Any measure that fell short of this was in their eyes incomplete and unsatisfactory. It was now thought advisable by the Government to place a vigorous man at the helm, and Charles accordingly sent down to Edinburgh, as Commissioner, Lauderdale—a coarse, savage Scotchman, who had once been all for the Parliament in the civil war, but was now all for Royalty; who had once been a zealous Covenanter, but was now a zealous Anglo-Catholic; and who had often before been employed to force with halter, sword, and boot, Episcopacy upon his refractory countrymen. The Scotch Parliament had just assembled when Lauderdale arrived. Though the feeling in the country ran strongly against Episcopacy and the tactics of Whitehall, the Parliament most imperfectly reflected such feeling. Within its walls zealous Presbyterians were in the minority, and staunch Royalists the majority. Lauderdale had no difficulty, therefore, in obtaining the aid of the Chamber to resist the tide of Presby-

terianism which had now so strongly set in. Two important Acts were passed—the one placing in the hands of the King the whole settlement of the Church, the other calling out the militia, to the number of 22,000 men. Severe laws were enacted against conventicles. It was pecuniary ruin to assemble a conventicle in private houses, it was death to assemble one in the fields. The justice of the kingdom was suspended. All the lawyers were put from the bar and banished twelve miles from the capital. Appeals to Parliament were declared illegal. Those who opposed Lauderdale were imprisoned or deposed from office. Appointments and favours were openly put up for sale, and in short, the whole country was the victim of a brutal despotism with Lauderdale as autocrat.

The consequences of this systematic tyranny over a people proud, stubborn, and high-spirited, can easily be imagined. The vigour exercised against conventicles only increased their number, and linked them the closer together by the ties of mutual zeal and fear of consequences. In spite of all laws the commonalty worshipped as they wished to worship. Fines, persecutions, nay, even death itself,

failed to empty the conventicles or to silence the preachers. Wherever insurrections against the hierarchy could safely arise, they broke out, and terrible consequences often ensued. Attacked by the civil power, the Covenanters met force by force, and stained many a heath with the blood of hundreds. Driven from the towns, they assembled in the mountains. Hunted like wild beasts in the glens and hills of their rocky home, they stood at bay, and, with the madness of despair, turned savagely upon their oppressors, and met their end on the pikes of their relentless persecutors. But little they cared for life. It was not death to the body these stern, bigoted, but splendidly true men feared, but death to the soul. Eternal salvation in their eyes was cheaply bought by perishing beneath the cruel tread of Anglicanism.

But though Lauderdale—thanks to the servile Scotch Parliament and the boundless power placed in his hands by Charles—was almost supreme, a formidable party hostile to him and his proceedings began to be formed. The head of this party was the Duke of Hamilton, who, supported by the Marquis of Tweeddale and a few other peers, determined

to correct the abuses of Lauderdale's administration by petitioning the King. Accordingly his Grace, accompanied by his friends, travelled south; they arrived in London, visited Whitehall, and represented matters to the Sovereign. Charles received the Duke most kindly, exercised all those social qualities he knew so well how to display, but gave no redress. "I perceive," replied this high-souled monarch, "that Lauderdale has been guilty of many bad things against the people of Scotland; but I cannot find that he has acted anything contrary to my interest!" The greatest happiness of the greatest number was a maxim that formed no part of the philosophical creed held by Charles. The only number he ever interested himself in studying was number one.

But not so the English Parliament. It cordially sided with Hamilton, and voted the dismissal of Lauderdale. In the state of Scotland it saw mirrored the future of England. If persecution by a Protestant Church could be carried to such extremes, what might be dreaded from the predominance of a Popish Church—a Church which had ever in all ages made open profession of exterminating by fire and sword every opposite sect or communion? The

despotic tyranny exercised by Lauderdale was but a proof, it argued, of the arbitrary character of Charles. If the King had only the encouragement to act towards England as he was then acting towards Scotland, the liberties and religion of Englishmen would be as extinct as they were now across the Border. And if the first attempt to create unlimited authority was so tyrannical, how dismal would be its final establishment, when all dread of opposition would be removed by mercenary armies, and all sense of shame by long and inveterate habit! It was in this light that the popular party regarded the conduct of Charles towards Scotland, and, forewarned being forearmed, they determined, come what might, not to place either confidence or power in the hands of their royal master.

And now, whilst Hamilton and his supporters were pleading in vain the cause of their country to Charles and his courtiers, an event occurred in Scotland which plainly showed the feeling of the people, and the animus against the usurping Church. Among the Anglican minority across the Border no one was more unpopular than Sharp, the Archbishop of St. Andrew's. Originally a Presbyterian, he had

been commissioned by the Presbyterians to manage their interest with the King, but, finding it to his advantage to support the views of the Church, he coolly went over to the enemy, and, instead of upholding the Kirk, used all his influence to maintain the hostile supremacy of the Anglican Church. As a reward for his treachery he was created Archbishop of St. Andrew's. Sharp, conscious of the power at his back, proved himself one of the bitterest foes that the Covenanters, even in those evil days, ever had to encounter. Both his own name and that of his agents were objects of execration in every true Presbyterian household. At last this execration vented itself in the manner usual in those rude times. A plot had been planned to murder one of his agents, a man named Carmichel, Commissioner from the Council and Commander of the Forces. The conspirators were in ambush awaiting the arrival of the agent. No Carmichel appeared, but in his place the coach of the Archbishop of St. Andrew's passed by. Sharp was alone and unprotected; no guard and but one servant was with him. The conspirators regarded his appearance as a declaration of the secret purpose of Providence against him. They issued

from their ambush, fell upon Sharp, dragged him from his coach, and pierced him through and through with their daggers. "The Archbishop of St. Andrew's," writes Sydney,* "hath been lately murdered in his coach three miles from St. Andrew's by ten men that there set upon him, of which two were taken by some horse that came suddenly to the place. It is not known who they are, nor who employed them; but Latherdale is graciously pleased to lay it upon the Nonconformists, and hath thereupon caused a very severe proclamation to be issued out against them; but others believe it was upon a private quarrel with some gentlemen, that by fraud and power the prelate had thrown out of their estates, he having been most remarkable for outrageous covetousness, besides other Episcopal qualities."

The murder of Sharp was hailed with delight by the Covenanters. The assassins were regarded as true patriots, and their names, interwoven with those of Jael and Sisera, Ehud and Eglon, formed the text of many a discourse from the pulpit of conventicles. Gathering strength and courage as they proceeded, the fiercer advocates of the Kirk now

* Letters to Savile, May 12, 1679.

openly defied their enemies. They set up a declaration against prelacy. They burned all the Acts of Parliament and declarations of Council that prohibited Conventicles. They extinguished the bonfire kindled to celebrate the Restoration, and issued proclamations, in which they boldly declared that they fought against the King's supremacy, against Popery and the Anglican religion, and against the succession of the hated Duke of York. Orders were at once issued by Lauderdale to all officers quartered in the disaffected districts to quash the rebellion; but the rebels, if men fighting for the sacred cause of liberty and their creed can be called rebels, still bravely held their own. Pushing on to Glasgow, after defeating Captain Graham, afterwards Viscount Dundee, they made themselves masters of the city, and expelled the priests. Accordingly the Government now thought it high time to bestir itself in downright earnest, and put an end to what, if allowed to continue, might prove a most grave insurrection.

Of the details of this revolt—its rise, progress, and suppression—we can wish for no more complete account than is contained in the extracts from the

following letters of Algernon Sydney to his friend Henry Savile :—

“The Scotch news do still possess the minds of all men here ;* but all relations that come from Scotland are so imperfect, that no man knows what to make of them ; and those that come to Court being more particularly so than others : no men are thought to understand less of the business than Privy Counsellors. This is attributed to Latherdale, and though it be concluded that what he says is not true, some think the business worse, others better, than it is represented. The fact, as far as I hear, is, that the Earl of Lithco, with about five-and-twenty hundred horse and foot, did come within a few miles of the Conventicle men, and finding them in such a posture, as he did not think it prudent to charge them, he concluded the best was to let them take Glasgow, where they are said to have found good store of arms, ammunition, and some cannon, and having left so many men in the town as are thought sufficient to guard it, they march with four pieces. They are said to increase in number every day, but we know nothing of them certainly, unless it be that they have no landed men amongst them, nor any gentlemen, but a younger brother to a knight of the Hamilton family.

“The last week we heard of nothing but raising of great forces to subdue these rebels. The Dukes of Monmouth, Albemarle, and Lord Garret, were to have regiments of horse, Feversham one of dragoons and grenadiers, the Lord Cavendish, Grey of Werk,

* Algernon Sydney to Sir Henry Savile, June 16 (26), 1679.

Mr. T. Thinne, and some others, regiments of foot ; but that heat seems to be something abated. The Lord Grey gave up his commission, Mr. Thinne refused to take any ; Cavendish doth not raise any men upon his, and Garret swears he will not be at a penny charge to raise a man, but if the Commissioners for the Treasury will raise him a regiment, and provide money to pay it, he will command it. Whilst ways were sought to remove these difficulties, the Scotch Lords that are here endeavoured to persuade the King that the business may be ended by far more certain and less chargeable ways, inasmuch as these men having been driven into a necessity of taking arms, by the extreme pressure suffered from those that did abuse the authority his Majesty had trusted them with, the people being eased of those burdens, the persons removed that had caused them, and such men placed in the Government as were acceptable to the nation, they durst undertake that all may be composed without blood. This was not (as I hear) disliked, but another point was started, that doth yet more incline the Court to mild courses ; which is, in the year 1641 Acts of Parliament were made in both kingdoms, making it treason for any person belonging unto either to make war upon or invade the other, without the consent of Parliament. And though one or two of the judges say, that the Acts being reciprocal, the Scots having rescinded theirs, ours falls of itself ; or though it did not, the Act forbidding an invasion, no ways toucheth such as by the King's command should go to subdue rebels ; others say, that what the Scots did might indeed give unto the Parlia-

ment of England a just ground of annulling their Act also, but not having done it, no man can doubt but it remains in force ; and whosoever marcheth against Scotland incurs the penalties of treason denounced by it. And some that were present at the making of it are so far from approving the distinction between invading and subduing rebels, as to say that the Parliament then finding they had been upon the like pretence engaged against Scotland in 1638 and 1639, made this Act expressly to hinder any such business as that which is now depending ; and to take care that England should never be again engaged against Scotland, without the consent of the Parliament ; which was also the reason why the Act was continued in force on our side, though it was dissolved on theirs. This renders men of estates unwilling to engage, and hereupon the Duke of Monmouth was sent away yesterday in such haste, as to carry no more company with him than could go in one day to your good town of Newark, where he was to lodge the last night. He is furnished with powers of indulgence to compose rather than destroy ; and the Lord Melvin (who is thought well enough inclined to Nonconformists, and well liked by them) is sent with him, as being thought a fit Minister of a good agreement. The foot that was embarked in the Thames is gone for Barwick, where it is to stay to secure the town ; and the other forces, that are newly entertained, are to continue only for a month. This looks as if your friend Latherdale may within a while be left as naked as the Earl of Danby. The army is almost everywhere disbanded, unless it be these that

upon this occasion are again taken into pay, and the countries almost everywhere express the utmost hatred unto them, as soon as they have laid down their arms. Douglas's regiment now in Ireland, as is said, hath orders to march into Scotland, which, giving people occasion to talk of that country, they say that the King having lately placed the greatest powers of the three kingdoms in the hands of the three worst men that could be found in them, can never be at ease until they are all sacrificed, to expiate the faults of the Government, and appease the discontents of the nation."

"I told you in my last that the Duke of Monmouth was gone towards Scotland, since which time reports have been so various, that no man well knows what to make of that business ;* and the cause of this uncertainty is imputed to the diligence of the King's officers, who intercept and keep all letters directed unto persons any ways suspected, so as no more is known than they think fit to divulge. An express arrived here on Saturday night from Edinburgh, and brought news that the Duke of Monmouth arrived there on Wednesday ; that he had been received with great joy, and as much honour as those that were there could show unto him : that the Council having been immediately called, he exposed unto them his commission, which was very well liked : that the Chancellor invited him to supper that night, and that he was the next morning to go to the army, having first sent an express to the Lord Lithco, that command's

* Algernon Sydney to Sir Henry Savile, June 23 (July 2), 1679.

it, no ways to engage in any action before he comes. Some think that he hath the conventicle-men at an advantage, and will pursue it to their destruction. Others say that upon the extreme aversion that is shown all over England to a war in Scotland, and the little probability yet appearing of the Parliament's being any ways engageable in it, he hath received much more gentle instructions, and intends, by the help of the Lord Melvin, to compose those businesses if he can ; and if he can accomplish it, will certainly render himself very popular in England and Scotland.

“The Duke Hamilton and some other Scotch Lords, having let his Majesty know that the disorders in Scotland proceeded only from the extreme pressures the people were brought under by those, who contrary to law, abused the power his Majesty had trusted them with, did undertake to finish all without blood, if he would be pleased to ease them of those pressures, and removing those who had caused them, put the government of the kingdom into the hands of such persons as were well-pleasing unto the nation. This having been taken into consideration for some days, the Duke Hamilton with the rest, and one Lockhart, were sent for by the King, who told them the points formerly spoken of did relate unto his prerogative, which in three points he would not suffer to be touched : 1st, That he having a right of disposing of all places, might incapacitate such persons as he should think fit ; 2nd, That it belonging to him to prevent conspiracies, he might secure and imprison suspected persons ; and that there was no such thing as a Habeas Corpus in Scotland, nor should be as long as he lived ;

3rd, That it being his part to prevent or to quell rebellions, he might raise such forces as he pleased, quarter them where he thought fit, and employ them as occasion should require. To which Lockhart replied, that the places in question were those belonging to counties and corporations, which had ever been chosen by the people respectively according to their charters. And forasmuch as concerns conspiracies and rebellions, he thought he could prove that what his Majesty did assert did neither agree with the laws of Scotland, nor any other law, nor the ends, for which that, or any other government, was constituted.

“The next point in discourse was concerning some articles exhibited against Latherdale; in which it is said, that ‘his Majesty for several years past had been utterly misinformed, and had never known the truth of anything relating unto Scotland, but had been guided by such reports as best suited with Latherdale’s interests. That he had been thereby induced to bring down the last year that army of barbarous Highlanders, upon pretence of mutinous and seditious field-conventicles (whereas such meetings as had been held were modest and quiet) and quartered them in those countries where there never had been any at all.’ Several other misdemeanors are said to be mentioned, and amongst others, that of Mitchell, who had been put to death after having had a promise of life and limb, by false oaths made by Latherdale and some others of the Privy Council.

“The conclusion was, the King commanded the Duke that these articles should not be made public. In which he excused himself, forasmuch as having done

nothing in the dark, several copies had been taken, which were not in his power. Some say we shall this day see them in print, with the declaration of the conventicle men, printed at Glasgow, which is very well worth seeing. The forces of these conventicle-men, or, as they call themselves, the Western army, are variously reported. Some say they have 14,000 or 15,000 men ; others, that this day was a se'nnight they had, not far from Stirling, between two and three thousand horse, well armed and mounted, with about the like number of foot ; that a brother of the Earl of Galloway was coming to them, and within three hours' march, with above four hundred horse and foot, and that they had parties of good strength in several other places. . . .

“There is a certain petition preparing in London to be presented unto the King, which, as is said, will be signed by many Lords, gentlemen, and all the principal householders of the city of London, taking notice of the army having been raised upon pretence of the French war, kept up by Danby's means contrary to an Act of Parliament, as a standing army. In the next place it mentions the Acts of Parliament made in England and Scotland, making it treason for the subjects of either kingdom to invade the other, or the subjects thereof, giving power and enjoining all other subjects of either to fall upon and destroy such as should in any time attempt to do it, as rebels and traitors ; and showing the dangerous consequences of forcing the Protestants of his kingdom to imbrue their hands in each other's blood, if, according to the rumour spread of a war in Scotland, any men should,

contrary to the Act, march against them ; desiring his Majesty to put an end to their fears in that point, compose things there, suffer the Parliament to meet the 14th of August, bring Danby and others to their trials, perfect the disbanding of the army, and other new-raised forces. If this petition do take, as some believe, it will be sent to the grand juries in the several counties, and come up signed by so many, as shall approve of it. Some say the Highlanders have laid down their arms, and submit the determination of their differences with Argyle to the King. . . .

“*P.S.*—This long letter was to have been sent by the last post, and left by accident till it is in danger of appearing unseasonable. A courier arrived the last night from Scotland, who brings word that the Duke of Monmouth had attacked the Conventicle-men, and easily forcing a little barricade they had made to defend a bridge, had utterly defeated them. Some letters say two thousand are killed upon the place ; but my Lord Sunderland tells me there is only some hundreds slain, many taken, and the whole party dissipated and destroyed ; by which means it is said, that the Duke of Monmouth will have made himself as popular in England and Scotland as the Duke of York. Men here will be startled at present, but that will not hold. The Scotch Lords here have been so wise as to leave their countrymen to be cut in pieces, but, as some believe, not enough to keep themselves so free from corresponding with them, as not to leave that which, being well followed, may bring their heads to the block.”

“The news concerning the Scots,* mentioned in my last, is confirmed by several expresses, and all show their defeat to have been entire, the party dissipated, and those who escaped the fury of the sword remain exposed to the discretion of their conquerors. I find men’s judgments as various, as to the use will be made of this advantage, as of the Duke of Monmouth’s action in what is passed. Some did think that they being a poor people, brought into despair by the most violent persecution, pitied by all both in England and Scotland, helped by none, without head or conduct, were to be spared ; and that in doing so, he might have made himself very popular in both kingdoms (which he is thought with reason much to desire), and best to have provided for the King’s interest. Others, who look upon it as a fine thing to kill a great many men, and believe monarchies are best kept up by terror, extol the action, and say there is no other way of suppressing old rebellions, or preventing new ones, than by force and rigour ; looking upon Caligula as a great statesman, and *oderint dum metuant* as a good maxim.

“Some think that the Duke of Monmouth’s first instructions were according to the first of these ways, but that he was followed by others, which favoured much of the second ; those that were of the first opinion do now think the best way were to compose things there, and by showing indulgence not only in sparing those that are obnoxious, but in giving them such indulgence in matters of conscience, as may satisfy them, prevent the like, and please the body of

* Algernon Sydney to Sir Henry Savile, June 30 (July 9), 1697.

the English nation, which hath given many tokens of being much concerned for them. On the other side, those are not wanting who think the best way of bringing that stubborn people into subjection, and keep 'em, as they call it, in peace, free from rebellions, is to use the utmost rigour upon those that are in their power, and to discover who did in any measure assist or abet them; and in order thereunto the prisoners are used most cruelly, and it is said, that at least forty of the most noted men amongst them shall be put into the *boots* my Lord of Latherdale hath brought into fashion, to make them discover what correspondence the great men held with them.

“I know not how far this may concern some that are, or lately have been here, but it is probable enough they may have the fortune that ordinarily accompanies them that, pretending to be very subtle and keep well with both sides, ever do too much or too little; and that whereas they might have prevented all tumults, if they had endeavoured it, by denying all manner of favour to the discontented people; or reformed the state of that kingdom, if they would have taken the conduct of them, and very well provided for their own interest by either way, may have ruined these poor people by stirring them up, and leaving them to themselves; brought the whole nation under the power of their enemy, and given such advantages against themselves, as may be their ruin, if they are pursued; that is, to perish or be saved by the merey of him they profess to abhor. Duke Hamilton complains he is ruined by this business, and that not only all the provisions of victuals and corn

and grass upon the ground are destroyed, but that there is not a cow, a horse, or a sheep left upon his whole estate ; and that his own house would have been plundered, if the Duke of Monmouth had not sent an officer to preserve it. But Latherdale says, he cannot believe that Hamilton's friends, tenants, and servants, would so far forget their dependence, obligations, and good manners, as to deal uncivilly with him. Such as are near unto those who manage businesses, may speak positively of them, but I must, as you see, suspend my judgment until the Duke of Monmouth comes back, which is expected in a few days."

"The last post brought me yours of July the 12th,* and if you confess you did not know what to make of the Scotch business before you had my letters, I may conclude you were as much in the dark afterwards, for I could not make you understand that which I am ignorant of ; and, to say the truth, I am so ; a great part of our modern prudence being to suppress informations of the truth Some think the great lords will be found to have incited the poor people, and then endeavoured to value themselves at Court upon the power they had of appeasing them ; and if that prove true, they may have the fortune that ordinarily accompanies those that do too much or too little, and my Lord Latherdale's boots will be a powerful means of discovering whether this be so or no."

"The last week the King† gave the Scotch Lords a hearing against Latherdale ; they had counsel on

* Algernon Sydney to Sir Henry Savile, July 10 (20), 1679.

† Ibid, July 16 (26), 1679.

both sides ; Lockhart and Cunningham did undertake to prove a multitude of things done by Latherdale, to have been against law ; and Mackenzy, the King's advocate, being of counsel for him, could no ways disprove them, but had recourse unto the royal authority. The Lords of Essex and Halifax were present, and both of them, but especially the latter, did very much uphold the complainants, and, amongst other things, told the King he saw the Scottish nation was more free than the English. Nevertheless, answer was returned to them that Latherdale had done nothing but what his Majesty had commanded, and which he would uphold by virtue of his prerogative, which was above the law. This as is thought will preserve him from punishment, but his place of Secretary will be given to the Lord Magennis."

At the close of the rebellion, Monmouth, who was now aiming at popularity, treated the prisoners who fell into his hands with marked kindness. Those who promised to live peaceably were dismissed. The few who refused to comply with this easy condition were shipped off to the Barbadoes. "The Duke of Monmouth," writes Sydney,* "before he came from Scotland, had taken care that the Scotch prisoners should be used with more humanity than they found amongst their countrymen, and since his

* Algernon Sydney to Sir Henry Savile, July 26, 1679.

arrival here [London] orders are sent to enlarge the indulgence granted unto the Nonconformists in their meetings." Lauderdale, however, set himself up to oppose these lenient measures of Monmouth, and though at first Charles was inclined to throw over his unscrupulous minister, and to entrust the government of Scotland to his natural son, the influence of Lauderdale soon regained its former position over the royal mind, and Monmouth was left in the cold shade of neglect. Conscious of his power, Lauderdale now made the indulgence granted to the rebels through the interest of Monmouth well-nigh a dead letter. He exercised his former tyranny over Covenanters and Conventicles, and it was from no fault of his if the names of King, Popery, and Prelacy were not more hated than ever by the malcontent Presbyterian party. "Your friend Lauderdale," says Sydney,* "is more powerful than ever in Scotland, openly opposes the Duke of Monmouth, and has so far prevailed as to render the indulgences obtained by him utterly ineffectual; but lest his power there should not be sufficient to protect him here, if the Parliament meets, he does not disdain a pardon, and, as I hear, one is preparing for him."

* Algernon Sydney to Sir Henry Savile, September 8 (18), 1679.

Indeed Lauderdale, with that mixture of tyranny and cowardice so characteristic of the bully, was exercising all his authority to crush, by the bitterest persecution, the proud spirit of those whom he termed traitors and schismatics, and at the same time to indemnify himself from any disagreeable consequences his conduct might give rise to. An Act of Indemnity had been granted to the Highland rebels, but Lauderdale took care that it should be so worded as to afford protection to himself and his associates, rather than to the unhappy Covenanters. And though orders were given to connive for the future at the establishment of Conventicles, the savage Commissioner soon found means, under a variety of pretences, to disobey these commands. It was not till the Duke of York—to his credit be it said—undertook the reins of government across the Border, that Scotland was freed from the harsh yoke of oppression.

CHAPTER V.

WAS SYDNEY A PENSIONER OF FRANCE?

MEANWHILE the second appeal of Charles to the country, consequent upon the King's sudden dissolution of the prorogued Parliament, was being but coldly responded to. The elections went against the Court, and the advocates of the Country party were popular on every hustings. The horrors of the Popish plot were still fully believed in, and there was no limit to the credulity of the people whenever it suited political purposes to give a warmer tinge to the usual Protestant notions respecting the secret treachery, casuistry, and awful religious machinery of the Roman Catholics. The Duke of York was burnt in effigy in almost every market-place in the kingdom. No one who did not hold the clauses of the Exclusion Bill could expect to head the poll. Even the names of the daughters of the Duke of York became objects of popular hatred. On the other hand, Monmouth, the

favourite illegitimate son of Charles, was increasing daily in public favour. His partisans were everywhere busy canvassing in his interests. It was said that he was not illegitimate; that he was born in honest wedlock; that in a certain black box* lay the marriage contract between Charles and his mother, Lucy Walters. Nor were the mob loth to believe such reports. The winning character of Monmouth, his splendid presence, his genial affability, the reputation for courage he had gained on the plains of the Low Countries, were strongly in his favour, and had made him the idol of the people.† The semi-regal state he was permitted by Charles to adopt was an indication

* See an interesting tract concerning this black box, State Papers, May 15, 1680.

† "Whate'er he did was done with so much ease,
In him alone 'twas natural to please;
His motions all accompanied with grace,
And Paradise was opened in his face.
With secret joy indulgent David viewed
His youthful image in his son renewed."

According to Evelyn, Monmouth was not the son of Charles, but of Robert Sydney, Algernon's brother, with whom Lucy Walters lived when in Holland. "On her quitting Robert Sydney she was," says Evelyn, "pregnant with the child that was afterwards created Duke of Monmouth." What truth there is in the story we know not. It is reported that Monmouth was far more like a Sydney than a Stuart, but considering that Lucy Walters had numerous admirers, and was cruel to none, it would be a somewhat difficult matter to settle the paternity of her issue.

in the popular mind of the secret legitimacy of his birth. None of the other royal bastards dared assume the same privileges. He ranked before the proudest members of the English peerage. He wore his hat in the Presence Chamber. He mourned at funerals in the long purple cloak, the peculiar badge of royalty. When he travelled he was accompanied by an armed escort, and corporations read him addresses. It was not therefore surprising that these attentions, together with the genuine love evinced by the people towards him, should have puffed up the son of the low-born Welsh girl with royal pride and treasonable ambition. Gradually his pretensions became more open; he bore the lions of England and the lilies of France on his escutcheon, and without the galling and suggestive bar sinister.

“On Friday,” writes Sydney to his friend, “twenty-nine Lords and Commons were invited by the Lord Mayor to his feast, and after dinner the Duke of Monmouth came to them. In his return he was accompanied by a great number of people that ran to see him. It was observed that having formerly had a bar in his arms upon his coach, it was then wiped out.”

Certainly during the busy months of that general election the two popular cries which resounded throughout the country were, "No Popery!" and "Monmouth for ever!"

The result of the elections made Charles anxious. He saw that it was absolutely necessary to stem, by some feasible compromise, the political current which had set in against his interests. He accordingly attempted to adopt such a system as would form a strong party in favour of the Crown, and be a powerful bulwark against the encroachments of the malcontents. He courted the old Cavaliers, apologized with his charming grace for his neglect of their interests, and promised them ample compensation. He engaged the support of the Anglican clergy by representing the formidable array of Presbyterians and other sectaries who had enrolled themselves among the popular party, and showed how detrimental such a combination was not only to the interests of Monarchy, but also of Episcopacy. Many, too, who were opposed to the Court, but who were jealous of the right of succession, and had no wish to see entailed upon posterity the inconvenience of a disputed succession, went over to the Royal side. These

measures required both tact and time for their développement. In tact Charles was not deficient, and his dissolution of the Parliament almost immediately after its prorogation, had afforded him the requisite delay for the fulfilment of his schemes.

This act of dissolution, which the King had determined upon almost by his own authority, added all the more fuel to the animosity of Shaftesbury and the Country party.

“You may with reason believe,” writes Sydney,* “I am little informed of what passeth in the world, that in my last letter I said nothing of the Parliament, which I make no doubt but others, that writ to you the same day, said was dissolved. The truth is, the business being done at Hampton Court, the news came not hither until the afternoon, and I having it two or three hours later than others, had already sent my letter to the post, and could not recover it to make an addition, though of so great importance. This business is wholly imputed unto your two friends, and the other that ever joins with them;† but the King, finding it would not pass at

* Letters to Sir H. Savile, July 26, 1679.

† Halifax, Sunderland, and Essex.

Council, takes it wholly upon himself; though that, as well as some other things of the like nature, are thought not well to agree with what his Majesty was pleased to declare when he made the new Council, to have no Cabinet Council, but next unto the advices of the Parliament to follow theirs in all things; and the world looking upon this as the work of the three above mentioned, they begin to be spoken of all over England in the same manner as Danby, and, I fear, may be impeached the next Parliament upon this point, and the war in Scotland, as is said, contrary to an Act of Parliament in the year 1641. The new Parliament is to meet on the 7th of October: there will be as great canvassing for places as ever, people believing this Parliament was dissolved only in hopes of having one that would be less careful of the public interest. All men that wish well unto it, think it necessary to employ all their industry in endeavouring to make it better in that sense; and many believe they will effect it, though some probably will grow weary of the expenses of elections, and the ways of preventing them as yet are not settled."

Whilst Charles and his advisers were engaged in

the formation of a considerable party to be devoted to the interests of the Crown, the King fell sick at Windsor, and had a series of feverish fits, which made the nation apprehensive of his life.

A general panic now ensued among all classes. It was feared that civil war would break out, and the malcontents at once proceed to extremities. The death of Charles, to use the words of Temple, was regarded as the end of the world. The Duke of York was secretly sent for, in case of any accident, to assert his right against the opposition he was likely to encounter. But on his arrival the King had rallied, and was out of danger. The Duke now returned to Brussels, but not before he had caused the ambitious and dangerous Monmouth to be disgraced and sent beyond sea.

LONDON, *Sept.* 8 (18), 1679.

SIR,

I have been out of town almost this month, so as my last letter to you was dated about that time. At my return I found men's minds more disturbed than ever I remember them to have been, so as there is no extremity of disorder to be imagined, that we might not probably have fallen into if the King had died, or that may not yet reasonably be feared if he should relapse. All that is now to be told of news is

from the Court, and must be known from those that are more conversant there than I am. Though the Parliament is like to signify little, people are busy in bringing those in who are of their own mind; and the party that is most averse to the Court seems to prevail in the counties and great corporations, as the other doth in many of the small boroughs; and upon the whole matter, many believe the House will be composed as the last was, or, as some think, of a more harsh humour, the same men being something sharpened. . . .

I know not how much your friends and mine do grow at Court, nor whether the gains they can expect to make there will countervail what they lose in the nation; but I do think myself assured, that two* of them, who were generally as well esteemed as any men I know, are now as ill-spoken of as any; and the asperity one of them showed against the Papists is most bitterly retorted upon him. If the Parliament sits, I shall not be so ignorant as I am of what passeth, and I will with the same care that I did the last time, let you know what I hear, and, as far as I dare trust letters sent by the post, what I think.

I am,

Your most humble and faithful servant,

ALGERNON SYDNEY.†

For the second time Sydney took advantage of the general agitation to stand for Parliament. The rape of Bramber in Sussex was fixed upon as the borough most likely to be contested with success, owing to

* The Earls of Halifax and Essex.

† Letters to Savile.

the local influence there possessed by the Penns. The writs had hardly been issued before the leading gentry of the neighbourhood, with their tenants and retainers, were heart and soul supporters of Sydney. The name of the Republican worked upon the electors like a charm, and it soon became evident to the Opposition that Captain Goring, the Court candidate, had little chance of triumphing over his popular rival. But, as at Guildford, so at Bramber, the coterie at Whitehall determined that Algernon Sydney should meet with defeat. As the name of Sydney seemed so agreeable to the ears of the good people of the little town, the Court resolved that the election should be a contest between brother and brother. Henry Sydney was accordingly sent down.

The Leicester family was tolerably rich in family feuds, and between the sons of its second Earl little love was lost. To Algernon Sydney—a man pure of life, of vigorous intellect, and strongly liberal in all his opinions—the life and conduct of his brother Henry were as distasteful as had been the mean self-interest and calculating policy of Lord L'Isle. Endowed, like most of his race, with a handsome face

and a splendid bearing, Henry Sydney had taken not unkindly to the voluptuous pleasures of the Court. Indolent and somewhat weak in character, he passed his time in the usual occupations which the men of fashion of his day were wont to follow. Witty, agreeable, a pleasant friend and a boon companion, he was one of the many *viveurs* whose society was always welcome at Whitehall. Indeed, the King had given him various proofs of his royal favour. He had allowed him to buy Godolphin's place of Master of the Robes. He had sent him as Envoy Extraordinary to the Prince of Orange. He desired his presence frequently at Court, and he promised him future advancement. It was not therefore likely that Henry Sydney, when asked to oppose a brother, for whom he cared little, by the Court, for which he cared much, should make any scruples about complying with the request. He hastened down to Bramber, sowed dissension among the Republican's followers, notably among one or two of the principal gentry, whom he threatened with Whitehall disfavour and cajoled with Whitehall promises, and managed so to act as to divide the voters. The poll was closed by a double return, and Sydney

was uncertain whether his election would be void or valid. "I think myself in all respects well chosen," he writes to his friend, "but am uncertain whether I shall be of the Parliament or not, there being a double return; and nothing can be assured until the questions arising therefrom be determined, unless it be that, as I and my principles are out of fashion, my inclinations going one way, my friendship and alliance with those that are like to give occasion for the greatest contests drawing another, I shall be equally disliked and suspected by both parties, and thereby become the most inconsiderable member of the House." On the assembling of Parliament in 1680, after repeated prorogation, the election of Algernon Sydney was declared void.

For more than a year the Parliament did not meet. The Council which Temple had planned had proved a decided failure. The constant prorogation of the Houses, which Charles, in spite of all remonstrance from his Privy Councillors, determined upon carrying out, had alienated the greater number of his immediate advisers. Temple resigned, and withdrew to his gardens. Essex quitted the Treasury in disgust. Halifax retired to his country seat at

Rufford. Sunderland preserved his place, and Lawrence Hyde, a stern Cavalier in all his principles, and Sidney Godolphin, "who was never in the way and never out of the way," were added to the brief list of chief advisers to the Crown.

During the whole time that Parliament was in abeyance, the great question of the Succession was the one absorbing topic at every meeting, on every hustings, and in every pulpit. The entire nation was convulsed by party spirit. The scheme that Charles had planned of consolidating a large section of his subjects—the Cavaliers, the clergy, and those who hated revolutions—into a formidable faction to protect his interests, was now beginning to bring forth good fruit. The press teemed with pamphlets on the Divine Right of Kings, with eulogies on the Duke of York, and with satires against those who opposed the right of succession. Addresses poured in expressing the utmost loyalty to the throne. Charles and the Duke of York on the one side were as much the objects of fulsome flattery and extravagant praise, as they were on the other of discontent and abhorrence. But the popular party was still considerably in the majority. The cry that the consti-

tution and religion of the State were endangered by a Popish succession, was an appeal far more powerful than that of the Divine Right of Kings.

To counteract the influence of the extravagant loyalty advocated by the Court, tracts were freely disseminated throughout the country on the omnipotence of Parliament, and on the dangers of a Popish reign. Petitions were constantly being laid at the foot of the throne praying for the assembling of Parliament. Party plays, party sermons, party literature were in every theatre, every pulpit, and on every book-stall. Never before had political controversy excited such agitation and hostility. New names, still in existence, were invented to describe the rival parties. Those who opposed the Court, and treated Protestant Nonconformists with indulgence, were called Whigs. Those who adhered to the Court, and opposed the Exclusion Bill, were called Tories. And throughout all this national excitement, French influence and French money were at work to give an additional impetus to the spirit of faction, and to render confusion worse confounded. Louis supported the Court, and advised Charles not to yield. He advised the Tories to stand by their Sovereign, and

to rely on France for assistance in time of need. And, with perfect impartiality, he exhorted the Opposition to continue the struggle, and bade the Whigs trust to Versailles for protection. England, according to the French king, was an intellectual playground for the exercise of all the wiles and wisdom of diplomacy.

And now, in the midst of all this fury and faction, a new Titus Oates appeared on the field. A scoundrel called Dangerfield, who had been transported, burned in the hand, outlawed, pilloried, whipped, and incessantly imprisoned, resolved to make, like the other informers, capital out of the credulity of the times. He invented a plot called the Meal Tub Plot, from the place where some papers relating to it were found. But not knowing exactly whom he should victimize, he tried to keep his hand in with both parties. He went to Whitehall, and informed the King that a terrible conspiracy was being organized against his life and throne by the Presbyterians and popular party. Having made this revelation, he obtained access to Shaftesbury and his followers, and stated that a new Popish plot was on foot for the subversion of the liberties of England. "Which

side," writes Hume, "he intended to cheat is uncertain; or whether he did not rather mean to cheat both: but he soon found that the belief of the nation was more open to a Popish than a Presbyterian plot, and he resolved to strike in with the prevailing humour. Though no weight could be laid on his testimony, great clamour was raised; as if the Court, by way of retaliation, had intended to load the Presbyterians with the guilt of a false conspiracy. It must be confessed that the present period, by the prevalence and suspicion of such mean and ignoble arts on all sides, throws a great stain on the British annals."

"You will certainly have heard of a precious plot," writes Sydney to Savile, "carried on by a man of four names (who had been almost as many times in the pillory for perjury, and such other pieces of wit) whereby the Presbyterians should be brought under the suspicion of having one now on foot, which should have given occasion of bailing the Lords in the Tower; but he having had the ill luck to mistake Mansell* for Mansfield, carried a bundle of

* Colonel Mansell was the Quartermaster of the supposed Presbyterian army that was to seize on the Government. See Lingard for a full account of this plot (vol. ix. p. 228).

letters he had forged to a wrong place ; and bringing some officers of the Customs to search Mansell's lodgings for Flanders lace, and other prohibited commodities, was fain to find them himself : but the mistake of the superscription, which was to Mansfield, the seals not opened, and other circumstances making the fraud to appear, the whole matter vanished."

But though the pretended plot of Dangerfield miscarried, it served Sydney's enemies, who had most reluctantly acquiesced in his return from exile, as an opportunity for the display of their vindictiveness. They obtained an audience of the King, and had the unblushing effrontery to assert that Algernon Sydney, together with other Nonconformists, was engaged in a plot against the throne and the Anglican Church. So far did his enemies carry their malice, that they intended, had not Dangerfield's scheme fallen through, to have involved him in the Meal Tub Plot.

Sydney, on hearing the nature of the charges preferred against him, at once went to Whitehall, and indignantly exposed their malice and absurdity, since nothing, he maintained, "could be more repugnant to

his feelings than a measure which must eventually unite the Papists and the Crown." Still suspicion rested upon him, and suspicion in those days meant, when the suspected was weak, like Sydney, unmitigated persecution. In order to escape this fresh outbreak of hostility, he again retired to France, where he bought a small property.

"Not long after the discovery of the Popish Plot," he writes in his Apology, "his Majesty was informed of a great plot of the Nonconformists, and that I was at the head of it; and though (being admitted unto his Majesty's presence) I did truly show unto him, that there neither was nor could be anything of that nature, as things then stood, because it would cast his Majesty into conjunction with the Papists, which they did most abhor, the sham was continued, as appears by the Meal Tub business. Though my name was not there found, I am well informed that, if it had succeeded, I should have been involved in it.

"Other ways were invented to vex and ruin me. When I only looked over a balcony to see what passed at the election of the Sheriffs of London, I was indicted for a riot.

“In April last I was told by a person of eminent quality, virtue, and understanding, that I should infallibly be made a prisoner. I asked upon what pretence. He alleged some things that were entirely frivolous, relating unto vile persons, whose faces and names I did not know, but concluded some or other would be found; and that if I was once taken, it mattered not for what cause; it being impossible to avoid condemnation, before such judges and juries as I should be tried by.

“When a favourable decree, obtained in Chancery, gave me hopes of being freed from such vexatious business, I reassumed my former design of returning into France; and to that end bought a small parcel of ground, in a friend’s name, with an intention of going immediately unto it. This proceeded from the uneasiness of my life, when I found, that not only the real discontents, that grew to be common, were ascribed unto me, but sham plots fastened upon me, so as I could never think my life a day in safety.”

Away from England, Sydney still continued to take a keen interest in his country’s prospects. A large section of the party to which his sympathies were attached, was still in favour of a war with

France. Against this idea Sydney had always combated to the utmost. War with France in the present state of English politics was simply ruin to the country. He therefore took every opportunity of exposing the attempts of the Dutch Ambassador to inflame the public mind by exaggerated statements in order to break the peace between England and France, and thus pave the way to a renewal of the terms of the Triple Alliance. Charles, some months before, in order to court popularity, had made certain advances to Holland, and had sent Henry Sydney, Algernon's brother, to the Hague to conduct the mission, but through the activity of D'Avaux, the French Ambassador at the Hague, the projected alliance was defeated.

"I long since found," wrote Sydney, some little time before his departure from England, "that the design of sending Henry Sydney into Holland was like the rest of Sir William Temple's projects, a matter of great depth, and kept so close, that not one of them would speak to me of it: but this day was a sunnight, a gentleman that came to see me, took a letter out of his pocket, newly come from Holland, wherein the whole end of his negotiations is set out

very plainly ; which, in short, is understood to be no more than, under the pretence of a guarantee, to draw Holland and Spain into a league with England, which may help the Prince of Orange with an occasion of breaking the peace lately made ; which I believe will take effect, if the French can be persuaded to sleep three months, and take no notice of it ; if the Louvesteine party in Holland, and their associates, can be brought to believe the Prince of Orange thinks of advancing no interest but the public good of the country ; and if our House of Commons can be so well satisfied with the management of the last business in Flanders, as to be willing to raise a new army under the same conduct, and to believe one that is so raised will conduce to the defence of Flanders as much as the last.” *

From his connection with the Republican party of the States-General, Sydney was perfectly well aware of the jealousy with which it regarded the proceedings of the Prince of Orange ; nor were these proceedings agreeable to the English Republican. Nothing in his eyes could be more ill-grounded and more dangerous to the cause of the people in England

* Letters to Savile, July 10, 1679.

and Holland than the union of the Dutch and English Governments at a crisis when the Prince of Orange was all-powerful. Such an alliance he considered would tend only to oppress the party in both countries antagonistic to the Court ; and as for the power of France, which was made the pretext for this *rapprochement*, that was far less to be feared than Charles and the Prince of Orange going hand in hand to trample upon the liberties of their subjects. "The union of England and Holland," wrote Sydney, "would certainly have produced a rupture of the peace, renewed the war all over Europe, and exposed Flanders to be lost the first year." But though Sydney objected to any alliance between the two Governments, and so used his influence with the majority of the popular party in London as to quash the negotiations that were set on foot for that purpose, his objection was only temporary. He could imagine a contingency when a union with the States-General would be beneficial to the interests of England, for he writes to Savile that though he had communicated his opinion to the majority with success, he had added to such opinion these words, "That as the King of France was assisting

Charles with considerable sums of money, which might render him at once independent of the Parliament and subservient to that country, an alliance with the States-General might, in turn, become expedient to control his power." This addition to his objection plainly shows that Sydney was perfectly aware of the insidious policy of the English Court, and was only anxious to ward off impending danger wherever and whenever it might arise.

But as the policy that Sydney, in common with Lord Russell and others of the Opposition, advocated for the preservation of peace between France and England has been open to misconstruction, it will be as well here to state the exact nature of such policy. Extreme dangers call forth extreme measures. Desperate evils require desperate remedies. What is advisable and patriotic in one period of our history, at another period would be disloyal and un-English. We must judge of a man's political conduct not by itself, but with reference to the times and circumstances in which he is placed. What would be treason of the blackest dye under a government honourable, loyal, and, in the legitimate sense of the word, liberal, becomes true patriotism when

nationality, liberty, and justice are in danger. In forming our estimate of the political conduct of Algernon Sydney, we must judge him by the standard of the seventeenth century, not of the nineteenth. We must remember the character of the Sovereign on the throne, the intrigues of the Court, and the degrading policy of the Government.

The aim of Charles II. was to overthrow the English Constitution, to make himself free of Parliamentary control, to restrict religious liberty, to bias English justice, to render his subjects slaves, and to attain his disloyal ends, if need be, by the help of foreign arms, united with those of his own soldiery. In the hands of Louis were held the destinies of England. It was in his power to effect her degradation or her liberty. Without the aid of the French king Charles was helpless. Without assistance from France the Country party—as William Lord Russell confessed to Ruvigny, the French Ambassador—were powerless to defeat the intrigues of the Court. “The question was not,” says Earl Russell in the Life of his ancestor, “whether to admit foreign interference, but whether to direct foreign interference already admitted to a

good object." Men like Russell, Holles, Sydney, and others, were perfectly well aware that the design of Charles against the liberties of England had been planned in concert with Louis. It was this knowledge that made the Opposition so fearful about granting the subsidies for the levy of an army to attack France. Sydney himself had told the Opposition before the dissolution of the first Parliament that the whole thing was a juggle, and that the two Courts were perfectly in unison with each other.

The Country party were quite willing for war with France, but they had no wish to see the army* raised to humiliate France, employed to humiliate

* This army consisted of between twenty and thirty thousand men, as fine troops as could be seen (*Life of James*, p. 512): an alarming sight to those who denied the lawfulness of any standing army. It is impossible to doubt, from Barillon's correspondence in Dalrymple, that the King and Duke looked to this force as the means of consolidating the royal authority. This was suspected at home, and very justly: "Many well-meaning men," says Reresby, "began to fear the army now raised was rather intended to awe our own kingdom than to war against France, as had at first been suggested."—(P. 62.) And in a former passage (p. 57) he positively attributes the opposition to the French war, in 1678, to "a jealousy that the King indeed intended to raise an army, but never designed to go on with the war; and, to say the truth, some of the King's own party were not very sure of the contrary."—(HALLAM.) Lord Danby writes, February 9, to the Prince of Orange: "The Parliament has now voted 26,000 foot and 4,000 horse and dragoons; and I am confident will not stop there, in case his Majesty will go freely into the war, which yet they all doubt, and *not without cause*."

England. Accordingly, as the intrigues of the Court became more apparent, the leaders of the Opposition, both in Parliament and out of it, determined to fight the King with his own weapons. Since the aid of Louis was necessary to both Court and Opposition, the Opposition would strain every nerve to win over Louis to their side, and show him that it was not to the interest of France to crush the popular party in England, and to make Charles absolute. The French king had long been aware of the advantages to be reaped by a union with the English malcontents, and as the faithlessness of Charles in all his clandestine negotiations became every day more apparent, Louis resolved to obstruct the King of England's movements by a connection with Charles's enemies.

The marriage of the Princess Mary with the Prince of Orange—thanks to Danby—contrary to all French interests, and to all promises made by Charles to Louis, caused the Grand Monarch to hesitate no longer in carrying out his resolves. Accordingly he commissioned first Ruvigny, in 1677-8, and afterwards Barillon, in 1679-80, to treat with the Opposition. The first negotiation took place when the popular feeling

in England wished for war with France and for the dissolution of the Parliament which had sat since the Restoration. For until Charles saw the hostility of the Parliament to Danby and the Duke of York, he had had no intention of dissolving the Houses. Louis promised that if the leaders of the Country party would oppose the popular wish for war with France, he would, if necessary, use his influence with Charles to make him dissolve the Parliament. The Opposition were at that time anxious for the dissolution of Parliament, as they feared that "the House of Commons, which in the course of seventeen years had been corrupted by bribery, would go into the scheme of the Court, and blindly hasten the subversion of the Constitution. In this dilemma they saw no chance of safety but in dissolution."

The terms of Louis were accepted. The views of Russell, Holles, Sydney, and the rest in this clandestine intercourse with the French Ambassador, were imprudent, but certainly not dishonourable. Let us listen to our most judicial historian on the point. "Such views," writes Mr. Hallam,* "were sincerely patriotic and honourable: to detach France

* Constitutional History: Alex. Murray and Son's edition, p. 567.

from the King; to crush the Duke of York and Popish faction; to procure the disbanding of the army, the dissolution of a corrupted Parliament, the dismissal of a bad Minister. They would indeed have displayed more prudence in leaving these dark and dangerous paths of intrigue to the Court which was practised in them. They were concerting measures with the natural enemy of their country, religion, honour, and liberty; whose obvious policy was to keep the kingdom disunited, that it might be powerless; who had been long abetting the worst designs of our own Court, and who could never be expected to act against Popery and despotism, but for the temporary ends of his ambition. Yet, in the very critical circumstances of that period, it was impossible to pursue any course with security; and the dangers of excessive circumspection and adherence to general rules may often be as formidable as those of temerity. The connection of the popular party with France may very probably have frustrated the sinister intentions of the King and Duke, by compelling the reduction of the army, though at the price of a great sacrifice of European policy."

“The concert between the popular party and France,” writes Lord Russell,* “was a concert only in name. The Opposition continued, as before, pursuing their own purpose, which, so far from being French, was the preservation of the English religion and laws. They promised, it is true, to prevent, if possible, the war with France, but it was their bounden duty to do so. They had every reason to suppose that was intended as a death-blow to liberty. . . . The second object was not so laudable; it was to procure from Louis a promise to assist in obtaining a dissolution, in case the peace should be maintained. Yet there was nothing criminal in such an endeavour. The imminent danger which threatened us from the conduct of France in abetting the designs of Charles, cannot at this day be properly estimated. At the very time when the Parliament was giving money for a war, Lord Danby was writing, by his master’s order, to beg for money as the price of peace. . . . Had Louis been sincere in the project of making Charles absolute, there can be no doubt that it might have

* *Life of William Lord Russell*, by Lord John Russell, vol. i. pp. 120—122.

been easily accomplished. Was not this sufficient to justify the popular party in attempting to turn the battery the other way?" So far, then, in the eyes of sound and able men the conduct of Sydney, and of those with whom he acted, was, whatever opinion may be entertained about its wisdom or prudence, not criminal, not treacherous, not dishonourable.

I now come to a graver charge. From the zeal with which Sydney advocated peace with France, and a non-alliance between Charles and the Prince of Orange, it has been concluded that the Republican was bribed for this purpose by the Court of Versailles. And this conclusion is supported by his name appearing twice in the lists of Barillon as a recipient of French bounty. Barillon was at that time Ambassador of France at the Court of St. James's, and had been ordered by Louis to bribe the chief members of the Opposition. In the despatches of the Ambassador, first made public through the labours of Sir John Dalrymple in the *Dépôt des Affaires Étrangères* at Versailles, there is an account of the sums given to each person. In this account the name of Sydney appears debited by Barillon at two

separate times with two distinct sums of five hundred guineas. Now there are three points of view from which we may regard this statement of Barillon.

Sydney accepted the money for his own personal relief.

Sydney accepted the money to distribute among followers for the purposes of organization.

Sydney never received any money at all.

In dealing with the first point we have two eminent authorities, who vote adverse to Sydney. The first is Macaulay. "Communications were opened," he writes, "between Barillon, the Ambassador of Louis, and those English politicians who had always professed, and who indeed sincerely felt, the greatest dread and dislike of the French ascendancy. The most upright member of the Country party, William Lord Russell, son of the Earl of Bedford, did not scruple to concert with a foreign mission schemes for embarrassing his own Sovereign. This was the whole extent of Russell's offence. His principles and his fortune alike raised him above all temptations of a sordid kind; but there is too much reason to believe that some of his associates were less scru-

pulous. It would be unjust to impute to them the extreme wickedness of taking bribes to injure their country. On the contrary, they meant to serve her; but it is impossible to deny that they were mean and indelicate enough to let a foreign prince pay them for serving her. Among those who cannot be acquitted of this degrading charge was one man who is popularly considered as the personification of public spirit, and who, in spite of some great moral and intellectual faults, has a just claim to be called a hero, a philosopher, and a patriot. It is impossible to see without pain such a name in the list of the pensioners of France. Yet it is some consolation to reflect that, in our time, a public man would be thought lost to all sense of duty and of shame, who should not spurn from him a temptation which conquered the virtue and the pride of Algernon Sydney.”*

To the mind of Lord Macaulay there is no doubt, then, of the fact that Sydney was a pensioner of France. Mr. Hallam is of the same opinion as his brother historian. “I must fairly confess, however,” he writes, “that the decided bias of my own mind is on the affirmative side of this

* Hist. of England, vol. i. p. 229.

question ; and that principally because I am not so much struck, as some have been, by any violent improbability in what Barillon wrote to his Court on the subject. If, indeed, we were to read that Algernon Sydney had been brought over by Louis XIV. or Charles II. to assist in setting up absolute monarchy in England, we might fairly oppose our knowledge of his inflexible and haughty character, of his zeal, in life and death, for republican liberty. But there is, I presume, some moral distinction between the acceptance of a bribe to desert or betray our principles, and that of a trifling present for acting in conformity to them. The one is, of course, to be styled corruption ; the other is repugnant to a generous and delicate mind, but too much sanctioned by the practice of an age far less scrupulous than our own, to have carried with it any great self-reproach or sense of degradation. . . . Sydney indeed was, as there is reason to think, a distressed man ; he had formerly been in connection with the Court of France, and had persuaded himself that the countenance of that Power might one day or other be afforded to his darling scheme of a Commonwealth ; he had contracted a dislike to the Prince of Orange,

and consequently to the Dutch alliance, from the same governing motive: is it strange that one so circumstanced should have accepted a small gratification from the King of France which implied no dereliction of his duty as an Englishman, or any sacrifice of political integrity? And I should be glad to be informed by the idolaters of Algernon Sydney's name, what we know of him from authentic and contemporary sources which renders this incredible."*

Certainly if Algernon Sydney took this sum of one thousand guineas from Barillon it was an act, as Mr. Hallam says, "repugnant to a generous and delicate mind," and was, in the words of Lord Macaulay, "a degrading charge" to be brought against him. But they who believe that Sydney was capable of such conduct should bear in mind the extenuating fact that they are reading of the seventeenth century, and not of the nineteenth—a time when men of honour and position freely accepted bribes and presents without any sense of self-reproach or degradation—a laxity of principle which was fashionable up to the beginning of this

* Constitutional Hist., vol. ii. p. 549.

century. Still, making every allowance for the corruption of the age he lived in, if Sydney accepted money for himself in order to advocate the views of France, even though those views were in conformity with his principles, it was conduct unworthy of a man of his ancient race and hitherto stainless honour.

On the other hand, if we judge Sydney's conduct from the second point of view, the case is very different. If this sum of 1,000 guineas received from Barillon was expended (as the 100,000 crowns he once asked of France to create an insurrection in England would have been expended had he obtained them) in distribution to followers for the purposes of organization, and not for his own private needs, then the honour of the Republican does not suffer in the slightest. He was simply circulating foreign money to gain converts to the cause of France—the cause of France being, according to his light, synonymous with the cause of liberty, justice, and toleration in England. Judged according to this standard, Sydney, instead of being a mean hireling, was a zealous, faithful patriot. “No one of common sense, I imagine,” writes Earl Russell,* “can believe that he took the money for

* *Life of William Lord Russell*, vol. i. p. 197.

himself. His character is one of heroic pride and generosity. . . . With a soul above meanness, a station above poverty, and a temper of philosophy above covetousness, what man will be envious enough to think that he was a pensioner of France?" Certainly if Sydney accepted the money as a bribe pure and simple it was an act wholly inconsistent with the haughty independence and stern sense of honour which so strongly stand out in the history of his life.

And now let us examine the last and most important point of view from which to regard this question. Did Sydney receive any money at all? With every feeling of deference to those from whom I differ, I believe Sydney never received a single farthing from Barillon. In attempting to form an opinion upon this matter, we must remember that we are dealing with a statement—not a fact. Barillon says he gave money to the leaders of the Opposition, and among them to Algernon Sydney. We have no corroborative evidence, no additional testimony, nothing but the bare word of Barillon to go upon. If A makes a statement concerning B, to E, which is never likely to come to the ears of B and from which statement advantage can be gained

by A, such statement, in the absence of all corroborative evidence, should be received with some suspicion, especially when it is utterly at variance with everything that we know about B. In all cases where an accusation rests entirely upon personal testimony, everything depends upon the character of the witness. "When we see the characters of Sydney and of Hampden," writes Earl Russell,* "whose names will always live in the hearts of Englishmen, depreciated upon the authority of a French Minister, we naturally inquire whether the witness has any interest in concealing the truth, and whether his character stands equally high with that of the English patriots." Now what do we know of Barillon?

From contemporary evidence we gather that he was avaricious, unscrupulous, sensual, and luxurious: from being a poor man he became rich in the employment of the French Crown, and much of his wealth was obtained, it is hinted, by not the most honourable means. "Barillon a fait ici un grand séjour," writes Mdme. de Sévigné; "il s'en va; son emploi est admirable cette année; il mangera cinquante mille francs; mais il *sait bien où les*

* Life of William Lord Russell, vol. i. p. 190.

prendre." And again, "Monsieur Barillon est riche, gras, vieux, à ce qu'il dit, et regarde sans envie la brillante place de M. d'Avaux. Il aime la paix et la tranquillité au milieu de ses amis, et de sa famille, dont il est content."* This change from poverty to wealth is all the more easily to be accounted for when we remember that the diplomatic agents of Louis *were allowed to pay themselves out of the money entrusted to their care.*

Nothing would have been easier than for Barillon to quietly pocket this secret service money. The leaders of the Opposition were perfectly ignorant that money had been granted to the ambassadors for the express purpose of their corruption; what then simpler for an ambitious and unscrupulous minister than to concoct a list, representing that the measures of the Opposition were entirely guided by him, that the chiefs of the popular party were in his pay, and then, without any fear of detection, appropriate for his own use the sums allowed for the purposes of intrigue? If we examine the lists†

* Lettres de Sévigné à M^{de}. de Grignan, Avril 20, 1672, and Mars 21, 1689.

† For Barillon's account of the money expended by him see Dalrymple's "Memoirs of Great Britain and Ireland," Appendix, vol. ii. pp. 314—317.

in which he debited the various members of the Opposition with money received from him, we see at once the improbability of his statements. There, amongst other names, we read that Hampden received 500 guineas, Lyttleton, Powle, and Harbord also 500 guineas, Foley 300 guineas, and so on. All these were men of fortune and property, of honour and probity—the pink of the English landed gentry. Is it likely that such men would be bribed, even supposing that they consented to be bribed, by a few pitiful hundreds? Why, Hampden's fortune was so magnificent that he was at one time sentenced to pay a fine of 40,000*l.*, and indeed paid 6,000*l.* for his liberation from prison. And if money was given to the leaders of the Opposition, why was no money given to Lord Shaftesbury and to Lord Howard, both of whom were determined opponents to Charles, and the latter an abandoned man, who sought only to gratify his own interest and ambition?

But supposing that Barillon's account is true as far as he himself is concerned, and that he really believed these well-born, wealthy Englishmen were in his pay, he may yet have been deceived: whilst

imagining that the sums granted by him to the leaders of the Opposition went to their proper end, such sums may have never quitted the clutches of his agents.

Excepting Sydney and one or two others (Sydney's services were confined to negotiating an intercourse between Barillon and Lord Halifax for promoting Lord Danby's impeachment), Barillon had no direct communication with the chiefs of the popular party. The transactions—if ever transactions took place—were solely carried on by the intriguers the ambassador employed. What, perhaps, is the most probable solution of this matter is that it was a case of diamond cut diamond. Barillon peculated from the King; the agents of the ambassador from Barillon. We know that Coleman, the famous intriguer executed for the Popish Plot, received 2,500*l.* from Barillon to distribute to several members of Parliament. We know that a list was made of such members, and that Coleman died asserting that not a guinea had he given to a single member of Parliament, but had appropriated the entire sum for his own use!* Why should not Barillon have been

* Journals of the House of Commons, Nov. 7, 1678.

served by his other agents as he had been served by Coleman? If one agent had prepared a false list of important names whilst he embezzled the money entrusted to him for the purpose of bribery, why should not another agent have done the same? The following statement of Sydney to Savile indeed seems to point to the fact that Barillon was the victim of an organized conspiracy of which Sydney had some idea, while it testifies his contempt for the ambassador. "You know," said he, July 10, 1679, "Monsieur de Barillon governs us, *if he be not mistaken*; but he seems not to be so much pleased with that, as to find his *embonpoint* increased, by the moistness of our air, by frequently clapping his hands upon his thighs, showing the delight he hath in the sharpness of the sound, that testifies the plumpness and hardness of his flesh; and certainly, if this climate did not nourish him better than any other, the hairs of his nose, and nails of his fingers, could not grow so fast as to furnish enough of the one to pull out and of the other to cut off, in all companies, which being done he picks his ears with as good a grace as my Lord La."

But whether Barillon deceived Louis or was him-

self deceived by his agents, to my mind no shade is cast over the character of Sydney. I do not believe Sydney took the money for himself: such an act is utterly at variance with the stern sense of honour that characterized him. I do not believe such money was ever given to him even for political purposes; for the amount was inadequate to carry out any undertaking. But I believe that Barillon, as Mdme. de Sévigné hints, either appropriated much of this secret service money for his own use, and then "cooked" his accounts* in such a way as best to please his master; or that he was deceived by the agent he employed, as he had been deceived by Coleman. In no case do I believe Sydney to have been guilty of so mean and un-

* "With respect to the other members of the Opposition, I do not by any means intend to deny that some amongst them may have received the money of France. Corrupt men were no doubt to be found in that age, in all parties, and some may have reconciled so mean an act to their conscience by the reflection that they still pursued the true interest of their country. But it is remarkable, that of the twenty persons mentioned in Barillon's last and longest list, not above half were in Parliament, and almost all of those were leaders. Now if any one or two obtained money from Barillon for persons to whom they did not distribute it, or if Barillon himself embezzled the money, the names which would naturally appear in his list would be those of the speakers who had the greatest reputation. But if the transactions were real, it is much more probable that he should have been able to buy the lower and more obscure members of Parliament, than those whose fame stood highest for ability and integrity."—*Life of William Lord Russell*, vol. i. p. 199.

worthy an act. Even Barillon, with that clumsiness which artful men so often fall into, admits as much himself, and then immediately afterwards stultifies his admission. Whilst at one time he writes to Louis* that “M. de Sidney m’a été d’une grande utilité en bien d’occasions. C’est un homme qui a été dans les premières guerres, et qui naturellement est ennemi de la Cour. On l’a soupçonné depuis quelque temps de s’être laissé gagner par milord Sonderland; *mais il me paroît toujours avoir les mêmes sentimens, et n’avoir point changé de maximes.* Il a beaucoup de crédit parmi les Indépendans, et est ami intime de ceux qui sont les plus opposés à la Cour dans le Parlement: il a été élu pour celui-ci.” He writes at another time that this man of such strict honour and inflexible principles is nibbling greedily at the bait of 500 guineas, and will soon be caught! “Je ne lui ai donné que ce que votre Majesté m’a permis. Il auroit bien voulu avoir d’avantage, et si on lui faisoit quelque gratification nouvelle, il seroit aisée de l’engager entièrement!”

* Barillon au Roi, December 14, 1679. See Dalrymple, App. vol. ii. pp. 257 and 312.

In conclusion, let me endeavour to answer Mr. Hallam's question respecting the honour and integrity of Sydney. Mr. Hallam says in the extract I have already quoted, "I should be glad to be informed by the idolaters of Algernon Sydney's name, what we know of him from authentic and contemporary sources which renders this incredible."

We know this, that his life, in spite of faults of temper and of indiscretion, had hitherto been marked by the strictest sense of honour and by the most conscientious integrity. We must have ill read his writings, and ill studied his actions, if we have not seen in him a man utterly incapable of a dishonourable or unmanly deed. No one could say with more truth than he, "I have in my life been guilty of many follies, but as I think of no meanness. I will not blot and defile that which is past by endeavouring to provide for the future." We know that a sneaking underhand regard for his own interests never for one moment entered his thoughts. We know that, contrary to his own interests, he refused to sit in judgment upon Charles, and openly condemned the nature of the tribunal which passed sentence upon his Sovereign. We know that, con-

trary to his own interests, he opposed the pretensions of Cromwell, and retired from political life during the Protectorate. We know that, contrary to his own interests, he scorned to submit to Charles as Monk and Montague submitted, and refused "as the reward of iniquity," all the interested offers which Monk made to him at the time of the Restoration. "If I had regarded my own convenience," he wrote, "I might, perhaps, have known where the sun rose, how to adore him, and how to gain the benefit of his rays as well as General Montague," &c. We know that when reduced to the greatest straits, in the days of his exile, he never for one moment receded from the principles he professed in order to obtain comfort and security. And knowing all this, it is impossible to believe upon aught but the fullest and most convincing evidence, that he acted in the mean and dishonourable manner his enemies charge him with. Such evidence I do not consider the unproved assertions of a foreign Minister, whose character does not appear to have stood very high in the estimation of his contemporaries.

To my mind the whole tenor of Sydney's life—his

inflexible spirit, the elevated sentiments which pervade his writings, the nobleness of purpose which always characterized him—certainly counterbalance the evidence brought against him by Barillon, and by Barillon alone. Beyond the mere assertion of the French Minister, we have no proof that Sydney received the money at all. There is not an atom of collateral evidence to support the charge. And if we are to choose between condemning Barillon and condemning Sydney, I will only conclude in words that have before been written, “that till other evidence is produced of Sydney being a French pensioner, than that of a perfidious French Minister, who was alone the paymaster, and came to England poor, but returned rich, ’tis more reasonable to conclude that Barillon embezzled and pocketed what he placed to Sydney’s account, or wrote his letters with a design to impose upon his master, or that it had been foisted into the *Dépôt des Étrangères* to mislead posterity.”* It seems to us that had Sydney been a man to sell himself, he would have sold himself at the execution of the King, at the usurpation of the Protector,

* Letters of Lady Rachel Russell : Introduction, p. 9.

at the Restoration, and in the dreary days of his exile, when he was more in want of money than he was in 1679, and when he could have obtained a better price than that asserted to have been offered him by Barillon.

CHAPTER VI.

THE RYE-HOUSE PLOT.

AFTER repeated prorogations the Parliament assembled on October 21, 1680. The Speech from the Throne was plausible and conciliatory. Charles stated that the several prorogations had been advantageous to himself and his neighbours. The interval had been employed in perfecting an alliance with Spain, which could not fail of being grateful to the country and beneficial to the interests of Europe, provided "our divisions at home do not render our friendship less considerable abroad. To prevent these as much as may be, I think fit to renew to you all the assurances which can be desired, that nothing shall be wanting on my part to give you the fullest satisfaction your hearts can wish for the security of the Protestant religion; which I am fully resolved to maintain against all the conspiracies of our enemies, and to concur with you in any new

remedies which shall be proposed, that may consist with preserving the succession of the Crown in due and legal descent." Charles then went on to state that the further examination of the Popish Plot, and the punishment of its abettors, were requisite for the safety both of himself and the country, and concluded by earnest exhortations to union amongst themselves.

The Commons, however, in spite of Charles's honeyed expressions, refused to soften their opposition to the Court. Their first acts plainly showed the King the zeal and hostility with which they were animated. All those who had dared to maintain, as the party called the Abhorrrers had maintained, that it was contrary to the law of the land to petition the King to assemble Parliament, were the first to be attacked. "The House of Commons," writes Sydney, "has fallen upon those who opposed the Addresses to the Crown. Sir Robert Howard desired the House to proceed cautiously therein, his Majesty having by proclamation declared such petitions to be contrary to law. Notwithstanding which admonition, the House did vote, *nemine contradicente*, that it was, and had ever been, the right of the subjects of England to

petition his Majesty for the meeting and sitting of Parliaments, until all petitions were heard and grievances redressed. In the second place, they appointed a Committee to examine who had been guilty of obstructing such petitions, and therein betraying their country. There are six or seven Members of the House of Commons said to have declared themselves detesters and abhorrrers of such petitions, who, as is thought, will be turned out of the House without other ceremony."

The six or seven Members alluded to were Lord Paston, Sir Robert Mauleverer, Sir Brian Stapleton, Taylor, and Turner. Sir George Jefferies, who was then Recorder of London, and who had been a very staunch friend to the Abhorrrers, was forced to resign, and his place was occupied by Sir George Treby, a great leader of the popular party. The prisons were crowded with those who had shown themselves antagonistic to petitioning, and matters might have proceeded further had not the Commons thought it prudent to abate their zeal, when they found the country murmuring against their arbitrary conduct. The Opposition now changed its tactics, and made Popery and the Duke of York

the targets for its hostility. The Popish Plot was affirmed to be a vital reality, and in spite of its exposure to be still secretly at work. Informer after informer appeared before the bar of the Commons, and no matter how false or ridiculous was his testimony, met with a favourable reception from the bigoted and ignorant.

“On Tuesday the 26th,” writes Sydney,* “Dangerfield was brought to the bar of the House of Commons, where he did declare himself positively, that the Duke had offered him a great sum of money to kill the King. He also said that the Lord Privy Seal, Peterborough, and Sir Robert Payton, were privy unto, and contrivers of, the Meal-Tub Plot. The same day the Lord Russell, representing the mischiefs and dangers that threaten our nation, showed the Duke to be the centre of all. Sir H. Capell seconded him. Sir Francis Warrington made a recapitulation of all that had been done since the last Parliament to the prejudice of the nation in favour of Popery, and imputed the greatest part thereof unto the same cause; whereupon a vote was passed by the House, *nemine con-*

* Letters to Savile, Oct. 12, 1680.

tradicente, that the House should proceed incessantly upon the further discovery of the Plot, and the means of preventing a Popish successor.

“Wednesday the 27th, Dangerfield was brought into the Speaker’s chamber, and, being put to his oath by a justice of the peace, did depose what he had formerly said. Mr. Hide only and Sir Lionel Jenkins did speak in favour of the Duke; and the latter* having the ill luck to say he did in his heart believe his Royal Highness was as good a subject as any is in England, one that was not far off whispered, ‘And as good a Protestant.’”

The agitation against Popery was only the prelude to the exclusion of the Duke of York. On the 2nd November, Lord Russell seconded a motion made by Colonel Titus, “That a Committee be appointed to draw up a Bill to disable James Duke of York from inheriting the Imperial Crown of this realm.” The measure did not lack powerful friends. Shaftesbury and his party were furiously bent upon its becoming law. The Duke of Monmouth promoted it as an opening for his own designs upon the Crown.

* Sir Lionel Jenkins, formerly Judge of the Prerogative Court of Canterbury, had been made Secretary in 1680.

The Prince of Orange, for the same reason, encouraged Pensionary Fagel to send a strong memorial in its support. The Duchess of Portsmouth was zealous in its favour. Sunderland, Essex, and Godolphin secretly supported it in Council. And as for the Country party, they were heart and soul against a Papal succession. "They urged that every endeavour had been made, but without success, to find another expedient; that any other law would give the Duke of York such a command both of the army and of the revenue that he would be enabled to make those inroads on our Constitution, in Church and State, which he had been so long promoting." No difficulty was anticipated in the Commons, and no difficulty was raised. The Bill was read a first time on November 4th, passed through Committee on November 8th, and sent up to the Lords for their concurrence November 15th. But here the measure encountered bitter hostility. The Court party were so strong in the Upper House that the fate of the Bill was early anticipated. It was rejected by a considerable majority.

The disappointed Commons, foiled at excluding the Duke, determined, in a spirit which does them

little credit, to revenge themselves upon his fellow Roman Catholics. The impeachment of the five Lords was revived, and William Howard, Viscount Stafford, selected for the first victim. The accursed lies of the perjured trinity of informers—Oates, Dugdale, and Turberville—were called into requisition, and again carried the day. After a solemn trial of six days sentence was given against Stafford. He died protesting his innocence, and the crowd, no longer eager as they had been a year ago for blood, cried out in response to his protestations, “We believe you, my Lord! God bless you, my Lord!” This was the last execution resulting from the Popish Plot. Shaftesbury and his allies deemed it prudent to stay their hand. The country, though still as bitterly opposed as ever to Roman Catholicism, was now under the influence of a reactionary spirit, and was no longer guided by that religious fury and bigoted zeal which had hurried the nation, goaded on by the disclosures of the informers, into excesses which history teaches us fear and sectarianism have never been slow to repeat.

The Commons, aware that continued persecution would only excite a general sympathy for the

sufferers, and thus tend to increase that disbelief in the whole plot which was now beginning to prevail, turned their thoughts entirely towards defeating the machinations of the Court. It was accordingly voted that all who had advised his Majesty to refuse the Exclusion Bill were enemies to the King and country. It was declared that till the Exclusion Bill was passed no grant or supplies should be voted to the King, and that anyone who advanced money to the King upon the revenue arising from customs, excise, or hearth-money, should be responsible for the same in Parliament. At the same time various Bills were introduced which showed the temper of the House. One was to renew the Triennial Act; a second declared the levying of money without the consent of Parliament high treason; a third ordered an Association to be formed for the defence of Protestantism and for the prevention of the Duke of York or any Papist from ascending the throne; whilst a fourth exempted Protestant Dissenters from the penalties to which they, as well as Papists, were liable by the law of Elizabeth. Charles, relying on the support of the Peers, resolved to try again the experiment of

a dissolution. In spite of the remonstrances of the Commons, he carried his resolution into execution, and a new Parliament was summoned to meet at Oxford, in order to escape the neighbourhood of a potent and factious city, in March 1681.

Again the country was convulsed by the agitation and disturbance of a general election. The towns that had returned Whigs still adhered to their choice, but it was evident that the feeling of hostility towards the Court was rapidly cooling throughout the country. The history of politics is but the history of party movements, where action and reaction never fail to exhibit their alternate influence. Ever since the Treaty of Dover the popular feeling had strongly sympathised with the course of policy afterwards identified as Whiggism. A reaction was now to take place in favour of Toryism. The Parliament met at Oxford, and a mimic battle was anticipated between the serving men who formed the escort of the leaders of the Opposition and the Royal Guards. The slightest pretext would have fanned the latent antagonism into a blaze, but no such pretext was offered. Any outward expression of feeling was confined to the crowd,

who contented themselves with wearing the badges of the popular party, and crying out "No Popery! No Slavery!"

Charles met the Houses as a man conscious of his power. He spoke with authority, and plainly showed that he had no intention of being dictated to by the Commons. On the other hand, the Opposition were not to be daunted. As at Westminster, so now at Oxford; nothing would content its leaders but the Exclusion Bill. The King determined to endure any extremity rather than tamper with the monarchy. He refused to listen to the Commons, and Parliament was again dissolved.* This time the dissolution was not to be temporary. Charles had now a large national party on his side. The Cavaliers were with him to a man. The clergy were, too, most zealous and useful partisans. The question of the Exclusion had made all who objected to any interference with the right of succession rally round the throne. The Royal party, though not so large as that which supported the

* See an interesting tract, on the reasons which moved the King to dissolve the Parliaments both at Westminster and at Oxford, State Papers, April 1681. Sydney sketched a "Vindication of the last two Parliaments," which was afterwards re-drawn by Somers and Sir William Jones. It produced little public effect.

Opposition, was more powerful, for it was the one invested with direct authority. Without the sanction of the King no measure could become law. Without the assembling of Parliament the Whigs would be unable to carry their designs into execution, and it was hoped would consequently soon fall into divisions and disunion. Nor was Charles unmindful of the rising tide of Toryism which was everywhere apparent except in the capital.

Nothing succeeds like success, and nothing fails like failure. The Opposition had essayed to exclude the Duke of York from the throne, and had failed. The Court party were victorious, and this fact appealed to the feelings of that numerous body who worship success, simply because it is success. The Tories were lauded, and the Whigs run down. The people were taught to regard the political conduct of the King as something most exemplary. He was a true Protestant; for had he not excluded Papists from the House of Lords, from the Council, and from all civil and military offices? He was a true lover of liberty, and of the welfare of his subjects; for had he not passed the Habeas Corpus Act? Concession after concession had he granted to

his presuming Parliaments, and still they refused to be satisfied. All that could be laid to his charge was, that duty and honour forbade him to deprive his brother of the succession. It was not the King who wished to enroach upon the liberties of Parliament, but the Parliament which wished to enroach upon the prerogatives of the Crown. To refuse the Exclusion Bill was not indifference to the rights of the people, but the assertion of a principle. The wishes of the nation would always be commands to the King, but not so the wishes of an arrogant and arbitrary coterie. Charles, it was said, was blameless; on the Whigs lay the onus of the misdeeds of the past.

This was the tenor of the doctrine now inculcated by the Court, the pulpit, and the press. Such teaching did not fail to make converts, but Charles had no idea of putting its results to the test. He had had, during the last three years, enough of general elections and appeals to the country. His intention was now to govern without Parliament, till positively compelled by the law to convoke the Houses. And in order that supplies—always his greatest difficulty—should not

be lacking during his reign of independence, he retrenched the expenditure of his household, cut down his favourite navy, and abandoned Tangiers. His next step was to make his enemies conscious of his power. For the last ten years he had been the object of incessant attacks from the leaders of the Opposition. His amours, his extravagances, his political treacheries, his pecuniary necessities, had all been most pointedly commented upon, and used as means to degrade Royalty and exalt Republicanism. Every piece of cunning diplomacy he cleverly arranged, every political subterfuge he indulged in, had been brought to light by the hated Opposition. If he asked for money to defray his naval expenses, it was soon discovered that the money, instead of being spent on ships or dockyards, went to gratify the tastes and pleasures of his minions or his mistresses. When he made a secret treaty with France, its chief clauses were speedily known, by the wiles of the Opposition, throughout every shire in the kingdom. All he thought, planned, and schemed was exposed to public view. Then, too, foul lies had been freely circulated of sham plots and conspiracies, in order

to prejudice the mind of the nation against his brother, and the only religion he cared about adopting. He had been obliged by a powerful Parliament and a murmuring country to be deferential, to do what he hated, to say what he did not mean, and to feel at every step his dependence. But now the revolution of the wheel of Fortune had again brought monarchy uppermost, and the country, as in 1641, was all the more loyal after its reaction. It was an opportunity to be cautiously used, but not to be missed; and Charles resolved to settle old scores with his enemies, and make them feel the whip hand.

The first to fall under the lash was a man called College, whose zeal against Popery, coupled with the nature of his trade, earned him the nickname of the Protestant joiner. He was intimately connected with Shaftesbury and his party, and it was pretended that he had been engaged in organizing a conspiracy to seize the King's person, and to detain him in custody till certain concessions were granted. The services of the informers Dugdale, Turberville, and the rest of their crew—who, like rats, had speedily left the sinking ship of the Oppo-

sition, and now offered their lying tongues to the dominant party—were again called into requisition. But the Middlesex Grand Jury refused to listen to their stories, and threw out the Bill. Their rejection was of little avail. College was taken to Oxford, tried before a packed jury,* and, of course, found guilty. He was executed, and died protesting his innocence of the crime laid to his charge.†

The next victim of this savage policy of retaliation was the dangerous, treacherous Shaftesbury, the chief foe of the Court, and the most uncompromising leader of the people. A plan for combining against Popery and the Duke was found in his room, but without any signature, and it was brought forward as evidence of his treason. He was committed to prison and his indictment presented to the Middlesex Grand Jury. Again the infamous informers lied one after the other with charming unanimity, and again the Grand Jury threw out the Bill.‡

* At this trial the informers were divided ; Dugdale and Turberville swore that College was guilty, Oates that he was innocent. For this conduct Oates was disgraced. See a curious volume composed of Oates' examinations and confessions: *State Papers (Domestic)*, Charles II. No. 413.

† His speech is worth reading : see *State Papers*, Aug. 31, 1681.

‡ Proceedings in the Old Bailey against the Earl of Shaftesbury: *State Papers*, Nov. 24, 1681.

Charles, conscious that London was now the great stronghold of the Whigs, and that its opposition would cause him considerable trouble if unchecked, determined to make his first direct attack upon the liberties of England. Aware that by the theories of the English constitution the King was the supreme head of the State, he resolved to strain the Royal prerogative to the utmost. Without acting contrary to the law, his aim was to make the law a most potent engine of oppression, by causing it to interpret his wishes in his own way, and thus to legalize confiscation and sanction despotism. The administration of justice was in the hands of the judges, but the judicial office was entirely subject to the royal will. A refractory judge could be removed on the expression of a wish from the King, and Charles resolved to support only those judges who supported him. Trial by jury was supposed to be the bulwark of English liberty, but the juries were entirely nominated by the sheriffs, and the sheriffs in most counties were the creatures of the King. To obtain a verdict which suited the royal interests, it was only necessary to rely upon the evidence of per-

jured informers, and with such men the country abounded. Before a biassed judge, a packed jury, and interested witnesses, Charles felt that he had nothing to apprehend. The decisions of such tribunals might not be justice, but who dared say, after the judge had summed up, and the jury had returned their verdict, that the sentence of the bench was not excellent law ?

The municipal privileges of London were the first object for the display of this perversion of justice. It was proposed that the charter of London should be seized by a process of *quo warranto*. A Chief Justice was appointed by the Crown, in order to render the verdict of the Court, which was to try the case, favourable to the King's designs ; and it was hoped that, the charter of the metropolis once in the royal hands, other cities would easily be induced to surrender theirs. At the same time a new alliance was proposed by France. Louis had now deemed it advisable to change the vacillating policy of Versailles, and to make Charles entirely independent of his subjects. A private convention was effected through the instrumentality of Barillon, March 24, 1681. The terms of the secret treaty

were, that Charles should disengage himself from the Spanish Alliance; should prevent Parliament from counteracting his engagement; and in return should receive 2,000,000 livres for one year, and 500,000 crowns for two more years. These clauses were, however, only agreed to verbally, and nothing was put into writing. Barillon was most anxious that the convention should be signed by the two Kings, but Charles refused to comply with the Ambassador's wish. The reason for his urging it, and for the refusal of Charles, is thus stated by Barillon: "It also appears to me that this Prince would not dare to make a treaty public, in which he has engaged himself not to assemble Parliament; it would be very dangerous to his person, and entirely contrary to the laws of England." "Let us consider," writes Earl Russell, in the biography of his ancestor,* "for a moment the value of these words. Ten years before, we found Charles entering into secret engagements contrary to his oath and subversive of all his duties to his subjects. We find him now, after various changes of fortune, beginning, as it were, a fresh career of imposture, degradation, and

* Life of William Lord Russell, vol. ii. pp. 9, 10.

treachery, in order to destroy the constitution over which he had been called to preside, and to extinguish the laws which he was bound to administer."

In order to carry out the designing policy of the English king, an organized system of persecution was necessary. The Dissenters, who next to the Whig leaders were the most dangerous enemies of the Court, were among the first to bear its brunt. Nonconformist ministers were prosecuted in all parts of the country, and obliged to pay heavy fines for the discharge of their duty. It is said that in Uxbridge alone two hundred warrants for distress were issued. At the same time Royalists of all classes were doing their utmost to uphold the arbitrary government of Charles. Everywhere the Anglican clergy were inculcating the doctrine of passive obedience, and endeavouring to prove from Scripture that the employment of arms, unless sanctioned by legal authority, was unlawful. One celebrated divine even went so far as to state that all professors of Christianity ought to die rather than resist by force not only the King, but all that are put in authority under him. The Vice-Chancellor of Cambridge, in addressing Charles,

told him, "that he reigned by a fundamental, hereditary right of succession, which no religion, no law, no fault, can alter or diminish." Such teaching was a fit prelude for the famous decree passed some months afterwards by the University of Oxford, condemning resistance, and instilling the doctrine of passive obedience. All the Whig newspapers were suppressed, and their place supplied by papers and pamphlets full of the most fulsome loyalty and sickening servility.

Still the influence of the Opposition continued to be a sharp thorn in the side of the Court. In spite of the legal proceedings which were instituted for the purpose of dispossessing London of its charter, the City continued to set an example to all the other towns in England of hostility to the indirect despotism of Charles. The King therefore determined to take the law into his own hands, and, since London refused to elect the sheriffs he desired, he resolved, by virtue of his royal authority, and in opposition to all the wishes of the citizens, to nominate them himself. The Lord Mayor was won over by Secretary Jenkins, and on the new nomination of sheriffs insisted upon a privilege which was purely

nominal, of electing one North, a Levant merchant.* The appointment was distasteful to the Country party, who had agreed to elect two sheriffs true to the interests of the Opposition. A severe contest ensued, in which Sydney took a prominent part, but the Country party were defeated. The Whigs were ousted from their chief stronghold, and the victory was of immense importance to the Crown.

Whilst these events were stirring the surface of English political life, Algernon Sydney was for a brief while employed in a work after his own heart. His friend Penn, wearied with the vice and corruption he saw around him, had determined to wing his flight across the Atlantic, and, amidst the fertile valleys and lofty forests of his new colony of Pennsylvania, breathe a purer and sweeter atmosphere. Before his departure he had, however, deemed it advisable to draw up a plan of government for his distant district, so as "to support power in reverence with the people and to secure the people from the abuse of power, that they may be free by their just obedience, and the magistrates

* See "The Right of electing the Sheriffs of London and Middlesex : " State Papers, June 24, 1682.

honourable for their just administration." Penn resolved that the tract of land granted him should outrival Utopia. He prepared the scheme of a constitution, and showed it to Sydney. The Republican examined its details, rejected some of its clauses, made additions here and there, and finally ended by taking the draft with him to Penshurst and re-writing the whole afresh. The Quaker—both friend and disciple of Sydney—cordially approved of the additions and corrections effected in his original scheme of government, and adopted the remodelled draft with joy and gratitude.

In the outline of this Pennsylvanian constitution we have an excellent analysis of Sydney's political opinions; and of the system of administration he considered most calculated for the promotion of liberty and good government. Let us examine its chief features. The sovereign power of the new colony was to reside in the governor and freemen of the province. Two legislative chambers—a Council and an Assembly—both elected by the people, were to control the affairs of the State. The members of Council were to be chosen by universal suffrage for three years; twenty-four of the members were to

retire every year, and their places to be filled by new elections. The members of the Assembly were to be elected annually. No property qualifications were required, and the whole country was to be divided into sections. Votes were to be taken by ballot. Suffrage was to be universal. All religions were to be equal in the eyes of the State, and every man at liberty to believe in any doctrine he chose so long as it was not destructive of the honour and peace of society. Every man on reaching the age of twenty-one, guiltless of crime, to be eligible to elect and be elected a member of the Colonial Parliament. All trials to be conducted by jury. Idleness to be treated as a vice, and education to be brought within the pale of all. Fees of law to be fixed at a low rate, and hung up in every court of justice. Murder and treason to be the only two crimes punishable by death. Prison discipline to be reformed, and the gaols, instead of being dens of vice, to be turned into houses of industry and education. To this outline of a constitution were added various provisional laws, which were only to be in force until the Council had been properly elected, when they were either to be

accepted, amended, or rejected, as the popular representation thought proper. "On this point," writes Mr. Hepworth Dixon,* "the constitutions of Pennsylvania and Delaware, and after them the constitution of the United States, owe an eternal obligation to Sydney. Penn, like More, like Harrington, and the writers on Utopian schemes, desired to have a fixed system of public law. He would have drawn his constitutions and offered them to the world as the conditions of settlement in his new colony. Shaftesbury and Baltimore had adopted such a mode. With ruling instinct Sydney saw that a democracy is incompatible with a foreign body of constitutional law. He proposed therefore to leave the question open. Having fixed the great boundary lines of the system—secured freedom of thought (always Penn's first care), sacredness of person and property, popular control over all the powers of the state, financial, civil, proprietorial, and judicial—the law-givers left the new democracy to develop itself in accordance with its natural wants. America owes much to Sydney."

In the framing of this constitution we see how

* *Life of William Penn*, p. 195.

far Algernon Sydney was in advance of his times, and how by nearly two centuries he anticipated, in many matters, the judgment of posterity. In 1682 we find him advocating the ballot; in 1872 voting by ballot has at last become the law of the land. In 1682 we see him upholding manhood suffrage; in 1867, thanks to Conservative tactics, manhood suffrage has almost been granted us. In 1682 we see him stating that property qualifications for members of any legislative assembly are unnecessary; in 1858 the property qualification for Members of our Imperial Parliament was abolished. In 1682 Sydney advocated religious equality, and held that no creed, unless subversive of peace or morality, should exclude a man from political privileges. In 1828, English Protestants holding different views from the Church of England were enabled for the first time since 1673, by the repeal of the Corporation and Test Act, to accept public employment without taking the Sacrament. In 1829, by the Roman Catholic Emancipation Act, Roman Catholics for the first time since 1677 were permitted to sit and vote in either House of the Imperial Parliament on swearing fidelity to the

Crown and Constitution. And in 1858 Jews were for the first time, by the Jewish Disabilities Bill, admitted to sit in both Houses of Parliament. In 1682 Sydney maintained that the only two crimes worthy of capital punishment were murder and treason. In 1821 the first efforts were made at effecting a reform in our Penal Code, and it was not till twenty years later that the number of crimes now legally punishable with death was reduced from the awful total of 230 to some eight or nine, though practically no execution now takes place in England or Wales except for murder. In 1682 Sydney showed himself, doubtless from the raging evils he saw around him, an advocate for the reformation of prison discipline. It was not till 1820 that a Bill was brought in by Parliament (mainly through the exertions of Sir Fowell Buxton) for the improvement of our prison discipline. "And thus," writes Sir Charles Buxton in the Biography of his illustrious father, "the English gaols, instead of remaining 'the nurseries and hot-beds of crime, the almost inevitable ruin of all who entered within their walls,' have become, generally speaking, places where the improvement as well as the punishment of the criminal is attempted." In other words,

the idea of Sydney, that "gaols, instead of being dens of vice, should be turned into houses of industry and education," has been carried out after an interval of nearly a century and a half of neglect. One clause which Sydney advises Penn to adopt we still ignore, though it is one which might be engrafted upon the British Constitution with advantage. Litigants mindful of the expense attending appeals to English justice would be very grateful at seeing "fees of law fixed at a low rate, and hung up in every court of justice."

To return, however, from the freedom of the Pennsylvanian Constitution to the slavery advocated by the Merry Monarch. On the defeat of the Whigs in the City, Shaftesbury had hoped that Monmouth, Essex, Russell, and Sydney would have been goaded on to instant action, and would have created an *émeute* for the mastery of the Tower. But he was disappointed. Monmouth regarded such an attempt as a mad exposure of himself and his friends, and his views were shared by the rest of his colleagues. Shaftesbury, in a passion at seeing himself deserted by his partisans, began, according to his wont, to disparage those now no longer useful to him. He said

that Monmouth was a creature of the King's, and had joined the party with the sole end in view of keeping things quiet till the Court had gained its point; that Essex had sold himself to Charles, and was to go to Ireland; and that Lord Russell was deceived. Using all his influence with the citizens, Shaftesbury now endeavoured to make the City desert Monmouth and ally itself with him, to carry out the schemes he had in view. The royal bastard, fearful of the ill effects of these counsels among the citizens, thought it better to propitiate his unscrupulous ally by pretending a seeming compliance with his designs. Accordingly, a meeting was convoked at one Shepherd's, a wine-merchant, in whom the leaders of the Whig party had entire confidence. Monmouth, Lord Grey, Sir Thomas Armstrong, and Russell, but not Sydney, attended the rendezvous at night. Instead of the meeting they had anticipated none were there but two of Shaftesbury's tools, Rumsey and Ferguson. Seeing the place thus deserted, Monmouth gave the order to retire, but Russell having called for some wine a short delay ensued before their departure. During this delay, ultimately pregnant with grave evil to Lord Russell,

Rumsey and Armstrong fell into a discourse of surprising the guards. There was no discussion about what even was to be done, but only what might have been done, and Russell took no part in the conversation whatever, but contented himself with tasting the wine in silence, and then retiring. Shortly after this meeting, Shaftesbury, seeing that the country was not ripe enough for the execution of his designs, and fearing detection if he remained any longer in London, withdrew to the Continent, and there died, a victim to disappointed revenge and dissatisfied ambition.

On the death of Shaftesbury, the leaders of the Whig party, aware of the danger which menaced them from "froward sheriffs, willing juries, mercenary judges, and bold witnesses," determined for the moment to be quiet, and to busy themselves only with maintaining "as much as they could a good spirit with relation to elections of Parliament, if one should be called."

In order to carry their plan of action into effect, a select committee was organized, called the "Council of Six." The members of this Council were Monmouth, Essex (who was the chief adviser), Sydney, Russell, Lord Howard (introduced by Sydney), and young Hampden, a scho'ar and a grandson of *the*

Hampden. What the deliberations of this Council were it is now difficult to ascertain, owing to the prejudiced sources from which information has to be derived; what was the alleged plan of the scheme will appear in the evidence of the witnesses produced by the Crown at the trial of Algernon Sydney. There can be no doubt, however, that consultations were frequently held as to the best course to pursue for resisting a Government which aimed at nothing less than arbitrary power. It is reported that the aim of this Council was to organize an insurrection all over the country, and, with the help of the discontented Presbyterians in Scotland, to put an end to the tyranny of Charles and his brother. What was the exact extent of these designs it is impossible to determine, unless we believe in the statements of Lord Grey and Bishop Sprat—the two most prejudiced and partial narrators of the Rye House Plot. In all probability there was, as Lady Russell said, much talk about a general rising, which “only amounted to loose discourse, or at most, embryos that never came to anything.”

Considering the state of the country, and the conflicting views of those who composed the Council,

it would have been difficult for any decided and unanimous scheme of action to have been prepared. The Whigs were now only a coterie. The nation at large was not hostile to the Court. The Royalists were a most formidable party, in whose hands were all the military and naval resources of the kingdom. The Parliament was dissolved. To levy war upon Charles II., as had forty years before been levied on his father, was a scheme which bore failure on its very face, and could not have seriously been entertained by keen and cautious men like Russell, Sydney, or Hampden. The Council in all probability contented itself with merely forming estimates of the strength of its followers, and with knitting together a confederacy which absolute necessity might call into action. Nor were the members of the Cabal in such harmony with each other as to render it probable that they had fixed upon, by the time alleged, a distinct plan of rebellion. Monmouth was in favour of monarchy, with himself as monarch. Sydney had no other object before him but the realization of his cherished idea of a Republic, and frankly declared that it was indifferent to him whether James Duke of York or James Duke of

Monmouth succeeded to the throne. Essex was very much the same way of thinking as Sydney. Russell and Hampden wished merely for the exclusion of the Duke of York, the redress of all grievances, and the return of the Constitution within its ancient lines. Whilst Lord Howard, perfectly impartial, cared for no particular form of government so long as his own interests were not forgotten. Perhaps the truest account of this plot is that given by Lady Russell* many years after the execution of her husband. She was convinced, she said, that it was no more than talk, "and 'tis possible that talk going so far as to consider, if a remedy to suppress evils might be sought, how it could be found."

Whilst the Council of Six were meditating their plans, whatever they might be, an inferior order of conspirators were holding meetings and organizing an insurrection perfectly unknown to the Council. The chief of these conspirators were West, an active man, who was supposed to be an Atheist; Colonel Rumsey, an officer who had served under Cromwell, and afterwards in Portugal; Ferguson, an active agent of the late Lord Shaftesbury; Good-

* Life of William Lord Russell, vol. ii. p. 171.

enough, who had been Under-Sheriff of London ; Lieutenant-Colonel Walcot, a Republican officer ; and several lawyers and tradesmen. The aim of these men seems to have been desperate and criminal in the extreme. They talked openly about murdering the King and his brother, and even went so far as to organize a scheme for that purpose. Among this band was one Rumbold, a maltster, who owned a farm called the Rye House,* situated on the road

* "The Rye House in Hertfordshire, about eighteen miles from London, is so called from the Rye, a meadow near it. Just under it there is a by-road from Bishop's Stortford to Hoddesden, which was constantly used by the King when he went to or from Newmarket ; the great road winding much about on the right hand by Stansted. The House is an old strong building, and stands alone, encompassed with a moat, and towards the garden has high walls, so that twenty men might easily defend it for some time against five hundred. From a high tower in the House all that go or come may be seen both ways for more than a mile's distance. As you come from Newmarket towards London, when you are near the House you pass the meadow over a narrow causeway, at the end of which is a toll-gate, which having entered you go through a yard and a little field, and at the end of that, through another gate, you pass into a narrow lane, where two coaches at that time could not go abreast. This narrow passage had, on the left hand, a thick hedge and a ditch ; on the right, a long range of building used for corn chambers and stables, with several doors and windows looking into the road, and before it a pale which then made the passage so narrow, but is since removed. When you are past the long building you go by the moat and the garden wall : that is very strong, and has divers holes in it, through which a great many men might shoot. Along by the moat and wall the road continues to the Ware river, which runs about twenty or thirty yards from the moat, and is to be passed by a bridge. A small distance from thence another bridge is to be passed, over the New River: in both which passes a few men may oppose great numbers. In the outer courtyard which is behind the long

to Newmarket, which sporting town Charles was accustomed to visit annually for the races. Rumbold laid before the conspirators a plan of this farm, and showed how easy it would be to intercept the King and his brother on their way home, fire upon them through the hedges, and then, when the deed of assassination was committed, escape by the by-lanes and across the fields. The murderous scheme of the maltster was, however, frustrated by Charles having been obliged to leave Newmarket eight days earlier than he had intended, owing to his house having taken fire. Treachery now put a stop to any further proceedings of the conspirators.

Among the minor persons engaged in the conspiracy was one Keeling, an Anabaptist, who, having failed as a salter, thought that as Oates and others had flourished so well in the trade of a witness, he might as well follow their example. He had been employed by Goodenough as a spy in the City, and was intimately acquainted with the movements and designs of the conspirators. Accordingly he went building, a considerable body of horse and foot might be drawn up unperceived from the road, whence they might easily issue out at the same time into each end of the narrow lane, which was also to be stopped up by overturning a cart."—*A Particular Account of the Situation of the Rye House: State Papers (Domestic), Charles II., June 1683.*

to Lord Dartmouth and told his tale, and was referred by his lordship to Mr. Secretary Jenkins. Jenkins took down his deposition, but said that unless his evidence was supported by another witness he could not proceed to the investigation of the matter. Keeling was, however, equal to the occasion, and induced his brother to corroborate his statements. The plot now authenticated by two witnesses, Jenkins thought it his duty to communicate the affair to the rest of the Ministry. The younger Keeling, who had been compelled against his will to give evidence, secretly informed Goodenough that the plot had been discovered, and advised all engaged in it to fly beyond sea.

This news reaching Rumsey and West, who were inseparable allies, the two began to think it the safer policy to take a leaf out of the book of Keeling and reveal the whole plot—with a few additions. Acting upon the principle that if you have imagination, of what use is it unless you draw freely upon it, they set their heads together and concocted the following story:—"The design of the insurrection was to be carried into execution on the 17th of November, the day of Queen Elizabeth's coming to

the crown, when it was the custom of the citizens to run together and carry about Popes in procession and burn them, thus that day seemed proper to cover their running together till they met in a body. Others, however, said, that it was best to do nothing on that day, the rout being usually at night, but to lay their rising for the next Sunday, at the hour of people's being at church. A house at Rye had been offered them by one Rumbold for the execution of their design. At this house forty men, well armed and mounted, commanded in two divisions by Rumsey and Walcot, were to assemble. On the return of the King from Newmarket, Rumsey with his division was to stop the coach and kill the King and the Duke, whilst Walcot was to occupy himself in engaging with the guards. This done, they were to defend the moat till night, and then make their escape towards the Thames."

The details of the story once arranged, Rumsey and West had not to wait long before their veracity was put into requisition. Three days after Keeling's discovery the plot broke out, and was the talk of all the town. Examinations were freely taken, and many suspected persons seized. A proclamation

having been issued to secure those who could not be found, Rumsey and West, whose names were mentioned in the proclamation, delivered themselves up to justice of their own accord. And now their story of the plot was at once divulged. In spite of the little difficulties and improbabilities it contained—such as the absence of any important person to head the insurrection, the awkward fact of only being able to name eight out of the forty armed men who were to assemble at Rye, the ignorance as to how arms and horses were to be supplied, the very practicable idea of defending themselves within mud walls and a moat and the like—the story was implicitly believed. As an agreeable addition to this manufactured revelation, the new witnesses declared that they had heard “of the conferences that the Duke of Monmouth and the other Lords had with those who were come from Scotland, but knew nothing of it themselves” (a very safe and cautious reserve). Rumsey, however, said that he remembered the meeting at Shepherd’s, and the talk about seizing the King’s guards.

The Council, now possessing information which appeared to implicate their detested opponents the

leaders of the Whig party, determined not to lose so delightful an opportunity of gratifying their revenge and of ridding themselves of foes of no mean character. Orders were instantly issued to arrest the members of the Cabal of Six.

The first victim of these orders was Lord Russell, who was at once taken before the Council for examination, but as he denied all charges brought against him, he was sent forthwith to the Tower. Sydney next followed. He had been seized whilst at his lodgings by an order from the Council in the King's name, and all his papers sealed and secured by a messenger.* Once before the Privy Council, he answered

* "Colonel Sydney was arrested, the 26th of June, 1683, about one of the clock, at his dinner; immediately after Sir Philip Lloyd came with an order to seize his papers; and after dinner went and searched the house, but thought not fit to take any but some that lay loose upon his table and in an old open trunk that stood by, and put all those papers into the said trunk and a pillow-beer, and desired Colonel Sydney to put his seal upon them, which he refused, and afterwards told me the reason, 'That he well remembered what passed at Colonel Mansell's¹ lodgings. And then Sir Philip Lloyd put his own seal upon them, and promised Colonel Sydney that they should not be opened but in his presence; which promise was not kept: for he told me oftentimes, and at the day of his death, that he never saw either trunk or pillow-beer again, though he did

¹ Mansell had been accused of connection with the "Meal-Tub Plot," owing to Dangerfield, on his gaining admission into the Colonel's rooms, having inserted a treasonable document among his private papers. See Mansell's *Vindication against the Charges of Dangerfield: State Papers (Domestio)*, Oct. 17, 1681.

a few questions "respectfully and without deceit," but his examination did not last very long, for he refused to reply to all the questions put to him, and said he would reserve his defence for his trial. Like Russell, he also was sent to the Tower. Monmouth having received timely warning, had escaped. Lord Grey had been brought before the Council, examined, and sent to the Tower, but managed to follow the example of Monmouth, and saved himself by flight. Lord Howard was still at large, protesting that there was no plot, and that he had never heard of any. But it is conjectured that during the few days he was at liberty he was in correspondence with the Court, and was making arrangements to enter into the dirty business he so successfully carried out. Four days before Lord Russell's trial he was caught in his own house, "standing up within a chimney." As soon as he found himself in reality a prisoner he began to cry, and on his first examination revealed, as he said, all he knew. He stated that a rising was to take place in the

by my hand petition the King to have them returned to him, because there were some amongst them that might conduce to his justification." (The Information of Joseph Ducasse to a Committee of the House of Lords, Dec. 11, 1689.)

City in November, that a Council of Six had been established to talk over the possibility of creating an insurrection, and where it should begin, whether in the City or the country, and that the Council, intent upon obtaining the fullest information of the state of Scotland, had, at the advice of Sydney, sent one Aaron Smith into the North to bring "sure information from thence." The result of this "evidence" was the imprisonment of Lord Essex and Hampden. A few days after the admission of Essex within the walls of the Tower, he committed suicide* in a fit of melancholy depression.

* "Lord Essex cut his throat in the Tower. He was a man of the most excellent qualities, but subject to constitutional melancholy, which overcame his fortitude ; an event the more to be deplored, as there seems to have been no possibility of his being convicted. A suspicion, as is well known, obtained credit with the enemies of the Court, that Lord Essex was murdered ; and some evidence was brought forward by the zeal of one Braddon. The late editor of the State Trials seems a little inclined to revive this report, which even Harris (*Life of Charles*, p. 352) does not venture to accredit ; and I am surprised to find Lord John Russell observe, 'It would be idle, at the present time, to pretend to give any opinion on the subject' (p. 182). This I can by no means admit. We have, on the one side, some testimonies by children, who frequently invent and persist in falsehoods with no conceivable motive. But, on the other hand, we are to suppose that Charles II. and the Duke of York caused a detestable murder to be perpetrated on one towards whom they had never shown any hostility, and in whose death they had no interest. Each of these princes had faults enough ; but I may venture to say that they were totally incapable of such a crime. One of the presumptive arguments of Braddon, in a pamphlet published long afterwards, is, that the King and his brother were in the Tower on the morning of Lord Essex's death. If this leads to

On the very day that Lord Essex ended his career by his own hand, the trial of Russell began.

Into the details of this trial I shall not enter. Rumsey, Shepherd, and Lord Howard were the witnesses produced, and each did his best by hard swearing and false testimony to make the prisoner's conviction certain. Rumsey asserted that he had seen Russell at Shepherd's, where discourse was held by the cabal of conspirators upon the means of surprising the guards and creating an insurrection. Shepherd next followed, and gave very much the same evidence as Rumsey—that his house was let as a rendezvous for the Duke of Monmouth and other persons of quality; that the substance of the discourse of those who met there was how they might surprise the King's guards and organize a rising; that two meetings were held in his house, and that he believed the prisoner attended both, but he was certainly at the meeting when they talked of

anything, we are to believe that Charles the Second, like the tyrant in a Grub-street tragedy, came to kill his prisoner with his own hands. Any man of ordinary understanding (which seems not to have been the case with Mr. Braddon) must perceive that the circumstance tends to repel suspicion rather than the contrary. See the whole of this, including Braddon's pamphlet, in *State Trials*, ix. 1127."—HALLAM, *Constitutional History*.

seizing the guards. Lord Howard was now called as a witness. He said that he was one of the Cabal of Six, and that two meetings had been held, the one at Hampden's and the other at Russell's; that at the first meeting it was agreed to begin the insurrection in the country before attempting to create it in the City, and at the second meeting the conversation chiefly turned upon their connection with the discontented Scots, with whom Sydney was then treating through the agency of Aaron Smith. At these deliberations no question was put or vote collected, and he concluded that the prisoner gave his consent like the rest to the machinations of the Cabal.

Lord Russell denied that he ever had any intention against the life of the King, and begged to know upon what statute he was tried; for by the 13th of Charles II., which makes it high treason to conspire to levy war, the prosecution must be brought on within six months; and by the 25th of Edward III. a design to levy war is not treason. The Attorney-General answered that he was prosecuted on the 25th of Edward III., and that it had been often determined that to prepare forces to

fight against the King is a design within that statute to kill the King. The Lord Chief Justice now summed up the evidence, and the jury, basing their verdict upon the tone of the bench, brought in a sentence of guilty of high treason. In spite of every effort that affection could inspire and interest advocate, Lord William Russell ended his days on the scaffold.

With regard to the guilt of those who perished beneath the executioner's axe for this so-called plot, Mr. Fox remarks : "That which is most certain in the affair is, that they had committed no overt act, indicating the imagining the King's death, even according to the most strained construction of the statute of Edward III. ; much less was any such act legally proved against them : and the conspiring to levy war was not treason, except by a recent statute of Charles II., the prosecutions upon which were expressly limited to a certain time, which in these cases had elapsed ; so that it is impossible not to assent to the opinion of those who have ever stigmatized the condemnation and execution of Russell as a most flagrant violation of law and justice."

“Thus,” writes Lord John Russell,* “died William Lord Russell on the 21st of July, 1683, in the 44th year of his age. Few men have deserved better of their country. Though not remarkable for very brilliant talents, he was a man of solid judgment; and was never led astray by any curious sophistry to confound the perceptions of right and wrong; to mistake slavery for duty, or to yield to power the homage which is due to virtue. He was a warm friend not to liberty merely, but to English liberty; a decided enemy not only to royal encroachment, but to turbulent innovation. . . . His integrity was so conspicuous as to gain him that ascendant over the minds of men which is generally reserved for genius. And, although Englishmen have not much reason to be proud of the reign of Charles II., they cannot fail to recognize the sound morality of their countrymen in the respect and confidence which accompanied an honest man contending against the general corruption, even when surrounded and opposed by statesmen of conspicuous ability.†

* *Life of William Lord Russell*, vol. ii. p. 108.

† With regard to evidence relating to this Plot, see some curious papers in the Public Record Office: *State Papers (Domestic)*, Charles II., 1683; *Rye-House Plot*. See also a Tract, “*The late Lord Russell’s Case, with Observations upon it* :” *State Papers*, July 21–31, 1683.

CHAPTER VII.

THE TRIAL.

THE Court was now resolved to mete out the same measure to Sydney as it had meted out to Russell. Everything that could tell against its prisoner, and every disadvantage under which it was possible for him to labour, were freely encouraged. During the weary months before his trial he had been kept a strict prisoner in the Tower, and permission refused him to see or consult with his friends. His money, his goods, nay, his very wearing apparel had been seized.* Contrary to the law, he had been closely imprisoned long before any indictment was exhibited against him, and had been made to endure such harshness as to seriously affect his health. As the day approached when he was to enter upon his trial, no step was avoided which could strengthen the hands of the Crown and weaken

* See Petition of Algernon Sydney: State Papers (Domestic), Charles II. December 1683.

his defence. Sir George Jefferies, the then infamous, and afterwards still more infamous, Judge Jefferies, who had specially distinguished himself by the coarse brutality, for which he was noted, during the trial of Russell, was promoted to the vacant Chief-Justiceship of the King's Bench;* whilst Sir Francis Pemberton, who had, on the other hand, behaved with some show of decency and moderation towards Russell, was removed from his seat in the Privy Council and deprived of the Chief-Justiceship of the Common Pleas. The Sheriffs of London and Middlesex, zealous creatures of the Crown, had taken care to select two under-sheriffs whom they could depend upon executing to the very letter the behests of the Government. Before such a judge as Jefferies, and before such a jury as the Sheriffs intended to impanel, the chances of Sydney's acquittal were slender indeed.

* "All people were apprehensive of *very black designs* when they saw Jefferies made Lord Chief Justice, who was scandalously vicious, and was drunk every day; besides a drunkenness of fury in his temper that looked like enthusiasm. He did not consider the decencies of his post, nor did he so much as affect to seem impartial as became a judge, but run out upon all occasions into declamations that did not become the Bar, much less the Bench. He was not learned in his profession, and his eloquence, though viciously copious, yet was neither correct nor agreeable."—*A Display of Tyranny*, Part I. p. 568.

On the seventh of November, at an early hour of the morning, he was brought up for trial before the Court of King's Bench. The grand jury had not yet assembled, and he was accordingly detained at a tavern for an hour till a true bill had been returned against him.* On the bill being presented, he was immediately hurried to the bar through a strong guard of soldiers, and arraigned. "The bill," writes Sydney in his "Apology," "was read in English and Latin. I found it to be very long, perplexed, confused, and containing a heap of crimes, distinct in nature, distinguished from each other by laws relating unto several statutes, which required several considerations; no overt act was precisely set forth, with its due circumstances; no man named with whom I was said to have conspired; the meetings to conspire were said to be on the 30th of June, and many other days both before and since; whereas

* "November 6, I received notice from the Lieutenant of the Tower that an *habeas corpus* was brought unto him, and a command to bring me the next day before the King's Bench, and I was accordingly brought into the Palace-yard of Westminster, between ten and eleven of the clock in the morning, before the grand jury was assembled, or the King's counsel could know the bill would be found, unless they had the faculty of divining, or held such an intelligence with the grand jury as utterly overthrows all justice."—*Apology*.

I was then, and had been some days before, and ever since, a close prisoner."

The bill charged Sydney with conspiring with divers traitors to murder the King, change the form of government, and stir up insurrection and rebellion all over the kingdom; and that, the better to effect his diabolical purpose, he had written—

"A false, seditious, and traitorous libel, in which said false, seditious, and traitorous libel among other things is contained as follows in these English words, viz.: 'The power originally in the people of England is delegated unto the Parliament. He (the most serene lord, Charles II., now King of England, meaning) is subject unto the law of God, as he is a man; to the people that makes him a king, inasmuch as he is a king: the law sets a measure unto that subjection, and the Parliament judges of the particular cases thereupon arising. He must be content to submit unto theirs, since he is no more than any one of them in any other respect than that he is, by the consent of all, raised above any other. If he doth not like this condition, he may renounce the crown; but if he receive it upon that condition (as all magistrates do the power they receive), and swear to perform it, he must expect that the performance will be exacted, or revenge taken by those that he hath betrayed.' And that in another place in the said false, seditious, and traitorous libel, among other things, these false,

sedition, and traitorous English sentences are contained (that is to say): ‘We may therefore change or take away kings, without breaking any yoke; or that is made a yoke which ought not to be one: the injury is therefore in making or imposing, and there can be none in breaking it.’”

“How sayest thou, art thou guilty of this high treason whereof thou standest indicted, or not guilty?” asked the Judge.

Colonel Sydney.—“My Lord, I find here an heap of crimes put together, distinct in nature one from another, and distinguished by law; and I do conceive, my Lord, that the indictment itself is thereupon void, and I cannot be impeached upon it.”

Lord Chief Justice.—“We are not to admit any discourses till you answer the question, whether you be guilty or not guilty.”

In vain Sydney excepted to the bill as vicious and erroneous; he was told that he must either plead to the indictment or demur, which amounted to a confession of the fact. To every question he raised, to every argument he advanced, he was met by the one answer of the Clerk of the Crown, “Art thou guilty or not guilty?” Seeing that any opposition to the prejudiced ruling of the Court was unavailing, Sydney denied explicitly every clause in the bill.

Colonel Sydney.—"My Lord, I am there indicted for conspiring the death of the King; *I have not conspired the death of the King.* I am there indicted for levying of war; *I have not done that.* I am indicted for having invited in others of another nation; *I have not done that neither.* I am there indicted to have written a seditious libel to stir up the spirits of the people against the King; *I have not written anything to stir up the people against the King.*"

Lord Chief Justice.—"We are not to hear all this. You must plead as other people; or else, in plain English, we will pronounce sentence. We ought to give all men satisfaction that will be satisfied; but if they won't be directed we can't help that."

Colonel Sydney.—"My Lord, if you put me upon this inevitable necessity, it lies upon you; I must plead then."

Clerk of the Crown.—"Art thou guilty, or not guilty?"

Colonel Sydney.—"Not guilty."

A fortnight was now allowed him to prepare for his trial, but such preparation was necessarily imperfect, for the Lord Chief Justice refused to allow him a copy of the indictment, or the assistance of counsel.* "Colonel Sydney did not complain," said

* These cruel rules of the common law were abolished after the Revolution. By the statutes of 7 Wm. III. c. 3, and 7 Anne c. 21, every prisoner is entitled to a copy of the indictment ten days before the trial, with a list of the jury and of the witnesses on the part of the prosecution. The prisoner is also allowed to have counsel assigned him.

Joseph Ducasse, the valet of the Republican, in his examination before the House of Lords,* “that the copy of the indictment was refused him, which might have been of great use to him, to make his defence and exceptions, it being so long and intricate that the ablest lawyers could give him but a very imperfect account of it upon hearing.” The indictment was, it is true, read to Sydney in Latin, but all information respecting the statute on which the Attorney-General intended to proceed was studiously withheld.

The time for preparation having elapsed, Sydney appeared, November 21st, 1683, at the bar of the Court of King’s Bench, duly armed with legal arguments and proofs to expose the injustice of his persecutors, and with certain instructions drawn up by Serjeants Rotherham and Williams, two lawyers whom Lord Sunderland had previously assigned him, but whose services were now withdrawn. As a man of birth Sydney had naturally expected that the jury which was to try him would be composed of his equals; but, with the exception of one or

* Information of Joseph Ducasse to a Committee of the House of Lords, December 11, 1689.

two gentlemen whose names were inscribed to save appearances, the jurymen, all of whom were arbitrarily selected by the solicitors for the Crown, consisted chiefly of mechanics and men of ruined fortune and character, who were either the creatures of the Court or the open enemies of the prisoner. As their names were called Sydney objected to several, but his objections were either overruled or the men appointed in the stead of those displaced were equally opposed to his interests.

Against such fearful odds—an iniquitously partial judge, hostile jurymen, and advisers of the Crown bent upon obtaining by any means a verdict against their prisoner—Sydney, unaided by counsel, now entered upon his trial. After the indictment had been read and the case opened by the junior counsel for the prosecution, the Attorney-General (Sir Robert Sawyer) rose up to address the jury. He said that the prisoner at the bar stood indicted of the highest crime that it was possible for an English subject to commit—the conspiring the death of the King and the overthrow of the monarchy. He would prove by many witnesses, that for several years past a design had been laid of raising and making a

rebellion within these realms ; and that for the better execution of such evil purposes, public libels had been spread abroad persuading the nation that the King was introducing arbitrary power, that he was subverting the rights, liberties, and property of the nation, and that his Majesty was a secret but zealous member of the Roman Catholic Church. He would prove that when the plotters of this design considered that the country was ripe for a general rising, the prisoner at the bar became a member of a Council of Six, which was to arrange the insurrection and superintend its movements. He would show that it was the prisoner's special province to effect a union with the malcontents in Scotland, and that to carry out that object he had sent an emissary to the North, furnished with a considerable sum of money. But in addition to these treasonable charges, the prisoner, in order to show the world how effectually his head and heart were in the service of disloyalty, had prepared a most seditious and traitorous treatise, proving that the people of England had an absolute right to set aside their prince in case it appeared to them that he had broken the trust laid upon him by the nation.

“Gentlemen, he does use in that treatise several arguments drawn from the most rebellious times that ever were in England, from the late Rebellion (I must needs use that word, notwithstanding the Act of Oblivion, when a gentleman shall now attempt to do those things for which he was pardoned then), and from other kingdoms where rebellion hath been prosperous against princes. Then he falls to reasoning, and uses great reason in the case, that all the power of the prince is originally in the people ; and applies that discourse, that the power of the King was derived from the people upon trust, and they had already declared the King had invaded their rights ; and therefore he comes to argue, they might resume that original power they had conferred. And he tells the King that is no hard condition. If he thinks it so, he should lay down his crown ; if not, he threatens the condition would be exacted, or otherwise should be revenged by those he had betrayed : and who but this gentleman and his confederates, that thought himself not only able to govern this nation, but many monarchies, should call him to account for it ? For he lays down this principle, that though all the

people do rise against their prince it is no rebellion. The whole book is an argument for the people to rise in arms and vindicate their wrongs. He lays it down, 'that the King has no authority to dissolve the Parliament, but it is apparent the King hath dissolved many; therefore he hath broken his trust and invaded our rights.' And at last concludes with the passage laid in the indictment: 'We may therefore shake off our yoke; for it is not a yoke we submitted to, but a yoke by tyranny—that must be the meaning of it—they have imposed on us.' Gentlemen, if we prove all these matters to you, I doubt not you will do right to the King and kingdom, and show your abhorrence of those Republican principles, which, if put in practice, will not only destroy the King, but the best monarchy in the world."

At the conclusion of this speech, Heneage Finch, the Solicitor-General, who twenty years before had conducted the prosecution against Vane in the most infamous manner, called the witnesses for the Crown. The first to make his appearance was West. Sydney immediately rose from his chair and objected to any evidence being received from the fellow, on

the ground that he had confessed many treasons and was not yet pardoned.

“Swear him,” growled Jefferies; “I know no legal objection against him; he was a good witness in my Lord Russell’s trial.” Sydney sat down again. “Now, Mr. West,” said one of the junior counsel for the Crown, “what do you know of the general insurrection lately designed?”

Again Sydney rose up and addressed the Bench. He was not in the slightest degree implicated in the Rye House Plot, he was unacquainted with the conspirators* now produced against him, and he naturally objected to any evidence being laid before the Court which did not directly concern him. His objections were, however, overruled by Jefferies, and he was desired not to interrupt the witness. Sydney was silent for a while, and then West related the various conversations that had taken place respecting

* “The witnesses of the other parts of the plot were now brought out again to make a show, for they knew nothing of Sydney. Only, they said, that they had heard of a Council of Six, and that he was one of them.

• Yet even in that they contradicted one another—Rumsey swearing that he had it from West, and West swearing that he had it from him; which was not observed till the trial came out. If it had been observed sooner, perhaps Jefferies would have ordered it to be struck out, as he did all that Sydney had objected upon the point of the jury, because they were not freeholders.”—BURNET’S *History of his Own Time*, vol. i. p. 571.

the schemes which were mooted by those engaged in the Rye House Plot. He had the grace, however, to conclude his evidence by saying, "As to the prisoner in particular I know nothing, and did never speak with him till since the discovery."

West was now ordered to stand down, and Rumsey was next called. He gave very much the same evidence as his fellow-informer. He spoke of meetings being held at West's and at Shepherd's, but did not pretend that Sydney was present at any of them, or had any acquaintance with the conspiracy. Keeling followed in the same strain, and merely testified to a conversation with one Good-enough, who, the witness said, *had told him* of a design of a general insurrection, and that Colonel Sydney, whom he admitted that he (Keeling) did not know, was to have a considerable share in the management of it.

In reading the evidence of these witnesses—evidence clearly inadmissible, for it was composed of hearsay, rumours, and reports relating to a plot of the very existence of which there was not the slightest proof that the prisoner had any knowledge—it is as difficult to preserve our patience as it

was for Sydney. At last, when Keeling stood down, Sydney again addressed the Bench :—

“My Lord, I must ever put you in mind whether it be ordinary to examine men upon indictments of treason concerning me, that I never saw or heard of in my life?”

“I tell you,” said Jefferies, surlily, “that all this evidence does not affect you, and I tell the jury so.”

“But it prepossesses the jury,” said Sydney, sternly.

The Judge gave no reply. It was a difficult remark for him to answer. If the evidence did not affect the prisoner, why was it asked for from three distinct witnesses? Such evidence could have had but one object, and Sydney easily divined it—to prejudice the jury against him.

Jefferies, having thus paved the way for the creation of disagreeable impressions respecting the accused in the mind of the jury, proceeded to more positive evidence. Lord Howard, the sole witness on whom the Court relied to prove Sydney’s connection with the plot, was now called. A few words concerning this miserable combination of treachery, cowardice, and ingratitude. He was a man of plausible manners, who, professing the warmest admiration for

Republican principles, had acquired in a high degree the good opinion of Sydney. Indeed, Sydney proved to him, on more than one occasion, that a friend in need is a friend indeed; for when Howard was committed to the Tower on a false charge of having written a treasonable libel, Sydney exerted himself so powerfully in his favour that the indictment was withdrawn; Sydney also frequently lent him small sums of money which seem never to have been repaid. And yet, in spite of all the various acts of kindness that Howard received from the Republican—nay, at the very time he was receiving such favours—he was plotting his benefactor's ruin. By a fraud practised upon Sydney, he succeeded in introducing him to Monmouth; and Sydney thought so well of Howard that he was the chief agent in having him elected on the Council of Six. But Howard not only proved a traitor in the camp, but also a mean, pitiful scoundrel. After the arrest of Russell, he went about with eyes and hands uplifted to heaven, vowing that the plot was a delusion, for he knew nothing of it and believed nothing about it; and on the arrest of Sydney he drove to Algernon's house, passed himself off as a friend,

and tried to get all the plate and other valuables that belonged to his benefactor into his own hands ! But when it came to his own turn to be arrested, he cried like a blubbering coward, and at once turned informer. Such was the high-souled, noble-minded man whose unsupported testimony was accepted as gospel by the Court, and was to send Sydney to Tower Hill !

He began his evidence by relating the conversation in detail which had passed between Lord Russell, the Duke of Monmouth, Lord Essex, Hampden, Sydney, and himself, on the best means for defending the public interest from invasion, without involving themselves in the disgrace of entertaining any selfish designs. These conversations comprised also discussions upon the advisability of the rising breaking out first in the town or in the country, upon the seizure of the magazines, and upon the manner in which money was to be obtained to defray the necessary expenses. "Nothing, however," he said, "had been definitely agreed upon at these meetings, except the propriety of entering into an understanding with the Earl of Argyle and with some other leading Whigs in Scotland (Lord Melvin,

Sir John Cochrane, and Sir Hugh Campbell). In order to effect this understanding, he stated that Sydney had recommended Aaron Smith as a person whom they might safely trust, and provided him with money for his journey. But of this circumstance, the witness continued, he could only speak from hearsay, as he was called away by business into the country, and had to proceed immediately to Bath. The arrival of certain Scotch Whigs in London, on pretence of treating about a purchase in Carolina, was also given in evidence, without any proof, however, of their having had any intercourse with the prisoner or his friends.

But as the law demanded that in all trials for high treason there should be two witnesses against the prisoner before sentence could be passed, and as no other witness had the baseness to act the part so well played by Lord Howard, it was necessary for the Crown to resort to some expedient which would sufficiently answer its purpose of convicting Sydney. Accordingly, the counsel for the prosecution began to produce various papers written by the prisoner on the theory of government, which documents, it was asserted, could legally occupy the

place of a second witness. These papers were nothing less than extracts from certain chapters in Sydney's "Discourses on Government," which particularly discussed the paramount authority of the people, and the legality of resisting an oppressive government. Nothing could be more unfair, however, than the use that was made of them. A few isolated passages were read here and there, the extracts that were produced were garbled; and though Sydney begged that the whole of the chapters produced might be read and commented upon, his request was refused. He admitted that if he had written a book he must be answerable for the whole, but when a few sheets were produced, "not only the scope of the whole remained unknown, but, the antecedents and consequents of the words they had read being kept secret, no man could say whether this work were good or evil, true or false." The chief passages quoted by the Attorney-General were as follows:—

"This seems to be the ground of all our author's follies" [the "Discourses upon Government" were written to refute a foolish work by Filmer on the Patriarchal scheme]: "he cannot comprehend that magistrates are for or by the people; but makes this conclusion, as if nations were created by or for

the glory or pleasure of magistrates : and, after such a piece of nonsense, it ought not to be thought strange if he represent, as an absurd thing, that the headless multitude may shake off the yoke when they please. But I would know how the multitude comes under the yoke ; it is a badge of slavery. He says that the power of kings is for the preservation of liberty and property. We may therefore change or take away kings without breaking any yoke, or that is made a yoke which ought not to be one ; the injury is therefore in making or imposing, and there can be none in breaking, it.

“That if there be not an injury, there may perhaps be an inconvenience, if the headless multitude may shake off the yoke. I know not why the multitude should be concluded to be headless ; it is not always so. Moses was head of the multitude that went out of Egypt. Othniel led them against the King of Mesopotamia. Under the conduct of Phinehas they obtained a victory against the Midianites : they had the like success under Shamgar, Barak, Gideon, Jephthah, Samuel, Samson, and others, against Canaanites, Moabites, Philistines, and others. The multitude that opposed Saul and Ishbosheth had David for its head ; and the ten tribes that rejected Rehoboam chose unto themselves Jeroboam. The Athenians rising against the Thirty Tyrants had Thrasybulus ; those that drave — from Thebes were conducted by Pelopidas. When the Romans drave out the Tarquins, they chose Brutus and Publicola ; and they destroyed the Decemviri under Horatius and Vellerius. All the multitudes that afterwards revolted from them under

Mauritius, Telerius, Spartanus, and others, were not headless; and we know of none that were, but all either found heads or made them. The Germans set up Arminius; the Britains, and others. In latter times, the Castilians, that rose against Peter the Cruel, had the Lord de Trastamere.

“The French, when they grew weary of the corrupted races of Pharamond and Pepin, had the same Pepin and Hugh Capet: the Scots, when they slew James III., had his son to be their head: and when they deposed and imprisoned Queen Mary, the Earl of Murray and others supplied the want of age that was in her son; and in all the revolutions we have had in England the people have been headed by the Parliament, or the nobility and gentry that composed it; and, when the kings failed of their duties, by their own authority called it. The multitude therefore is not ever headless, but doth ever find or create heads unto itself, as occasion doth require; and whether it be one man, or a few, or more, for a short or a longer time, we see nothing more regular than its motions. But they may not, saith our author, shake off the yoke. And why may they not, if it prove uneasy or hurtful unto them? Why should not the Israelites shake off the yoke of Pharaoh, Jabin, Sisera, and others that oppressed them?

“When pride had changed Nebuchadnezzar into a beast, what should persuade the Assyrians not to drive him out amongst beasts, until God had restored unto him the heart of a man? When Tarquin had turned the legal monarchy of Rome into a most abominable tyranny, why should they not abolish it? And when

the Protestants of the Low Countries were so grievously oppressed by the power of Spain, under the proud, cruel, and savage conduct of the Duke of Alva, why should they not make use of all the means that God had put into their hands for their deliverance? Let any man who sees the present state of the provinces that then united themselves, judge whether it is better for them to be as they are, or in the condition unto which his fury would have reduced them, unless they had, to please him, renounced God and their religion. Our author may say they ought to have suffered; the King of Spain, by their resistance, lost those countries; and that they ought not to have been judges in their own case. To which I answer, that by resisting they laid the foundation of many churches that have produced multitudes of men eminent in gifts and graces; and established a most glorious and happy commonwealth, that hath been, since its first beginning, the strongest pillar of the Protestant cause now in the world, and a place of refuge unto those who in all Europe have been oppressed for the name of Christ: whereas they had slavishly, and I think I may say wickedly as well as foolishly, suffered themselves to be butchered, if they had left those empty provinces under the power of Antichrist, where the name of God is no otherwise known than to be blasphemed.

“If the King of Spain desired to keep his subjects, he should have governed them with more justice and mercy. When, contrary unto all laws, both human and divine, he seeks to destroy those he ought to have preserved, he can blame none but himself if they deliver themselves from his tyranny; and when the

matter is brought to that, that he must not reign, or they over whom he would reign must perish, the matter is easily decided: as if the question had been asked in the time of Nero and Domitian, whether they should be left at liberty to destroy the best part of the world, as they endeavoured to do, or it should be rescued by their destruction? And as for the people being judges in their own case, it is plain they ought to be the only judges, because it is their own, and only concerns themselves."

Other passages having been read, Sydney was told to enter upon his defence. Like his fellow-martyr, Lord Russell, he desired to know upon what statute he was indicted, and was informed by Jefferies that it was upon the statute of 25 Edw. III., which makes it high treason to conspire and compass the death of the King. Sydney then said that the statute did not touch him, and that, moreover—

"He could not be indicted, much less tried or condemned, on 25 Edw. III., for by that Act there must be two witnesses to that very branch unto which the treason does relate, which must be distinguished. For the levying of war and conspiring the death of the King are two distinct things, distinct in nature and reason, and so distinguished in the statute. And therefore the conspiring the death of the King is treason, and the other not. 1 Edw. VI. cap. 12, 5 Edw. VI. cap. 11, do expressly say there must be

two witnesses to either of these acts. Now here is my Lord Howard (I have enough to say of him by and by), it is he only who speaks of six men, whom he calls a select council, and yet selected by no man in the world. I desire to know who selected my Lord Howard? Who selected me? If they were selected by no body, it is a bull to say they were a select council. If they were not selected, but erected themselves into a cabal, then they have either confidence in one another, or find they are near equally able to assist in the design. Here is nothing of all this: these six men were strangers to one another. For my own part, I never spake with the Duke of Monmouth above three times in my life, and one time was when my Lord Howard brought him to my house and cozened us both. He told the Duke I invited him, and he told me the Duke invited himself; and neither of them was true. Now, that such men as these are, not hardly knowing one another, should presently fall into a great and intimate friendship, and trust and management of such businesses as these are, is a thing utterly improbable, unless they were mad. Now I do find in my Lord Howard's deposition against my Lord Russell, that they were in prosecution of my Lord Shaftesbury's design; and yet he acknowledges the Duke of Monmouth said he was mad, and he himself said so too. Now that they should join with four more in the prosecution of the design of a madman, they must be mad too. Now whether my Lord Howard would have you think he was mad because a madman cannot be guilty of treason, I cannot tell. My Lord Howard, in his last deposition at my Lord

Russell's trial, fixes the two meetings, one about the middle of January, the other ten days after : now he fixes one to be the latter end of January ; the other the middle of February. Then he makes it to be the prosecution of my Lord Shaftesbury's design. I do not find that anyone there had anything to do with my Lord Shaftesbury : for my part, I had not ; I had not seen his face in two years. Then, my Lord, that I go upon is, whatever my Lord Howard is, here is but one witness. The law of God and the law of man, understood and taken by all men, does require two witnesses : Moses says so ; so the Apostles the same after him ; and Christ says the same, that every matter is to be established by two witnesses. There ought to be two witnesses to the same thing. Now for one to come and tell a tale of a tub, of an imaginary council, and another of a libel, a paper written nobody knows when, is such a thing you can never go over it. But if the law of God be that there must be two witnesses to the same fact, there is an end of this matter. And under the judicial law, the penalty would be in this case to put a man to death. Now here there are but two things, which if allowed of, nobody will be safe for perjury. The one is to suffer men to give their testimony, one to one thing, and another to another, that the fraud cannot be discovered ; and the other is to take away the punishment. Now the punishment is taken away in some measure : and do but take away the other point whereby the fraud cannot be discovered, and then there is no defence can be made. That both witnesses should be to the same point, see the story of Susanna. Two elders

testified they saw her in the act of adultery : they were carrying of her to her death : both of them said the same thing : until they were taken asunder and examined, the fraud was not discovered ; and then one said she was under a tree of the right hand, and the other under the tree on the left ; and she escaped, and they were punished. But now if you apply it to several facts, my Lord Howard may say what he pleases, and if another shall come with a supplemental proof, no justice can be had. But, my Lord, I desire this, if there be two witnesses to prove the conspiracy, and in that there were those matters done that are treason, I must answer to it ; but if there be not, I presume I need say nothing to it. If you do not allow it me, I desire counsel to argue it."

This request was refused, and Sydney then proceeded to disparage the credibility of Lord Howard's evidence.

"I have this to say concerning my Lord Howard : he has accused himself of divers treasons, and I do not hear that he has his pardon of any. He is under the terror of those treasons, and the punishment for them ; he has shown himself to be under that terror ; he has said that he could not get his pardon until he had done some other jobs, till he was past this drudgery of swearing : that is, my Lord, that he having incurred the penalty of high treason, he would get his own indemnity by destroying others. This by the law of God and man, I think, destroys a man's testimony. Besides, my Lord, he is my debtor ; he owes me a

considerable sum of money I lent him in time of his great necessity ; he made some covenants with me for the payment of that money, which he has broken, and when his mortgage was forfeited, and I should take the advantage the law gives me, he finds out a way to have me laid up in the Tower. He is a very subtle man. At my Lord Russell's trial he carried his knife, he said, between the paring and the apple ; and so this is a point of great nicety and cunning, at one time to get his own pardon, and at the same time to save his money. Another thing, my Lord, is, when I was prisoner he comes to my house, and speaks to my servant, and says how sorry he was that I should be brought in danger upon this account of the plot ; and there he did, in the presence of God, with hands and eyes lifted up to heaven, swear he did not believe any plot, and that it was but a sham, and that he was confident if I had known anything I would have told it him. He has said somewhat of this before : I have several witnesses to prove both. He was desirous to go further ; and he would not only pay my debt by his testimony against me, but he would have got my plate and other goods in my hands into his hands, and he desired my men, as a place of trust, to put them into his hands. And the next news was, that there was a warrant against my Lord Russell and me. But then, my Lord, he made other affirmations, in the same presence of God, that I was innocent in his opinion, and he was confident of it, for if he had known anything of it he would have told it. Now I know, in my Lord Russell's case, there was Dr. Burnet said something like it ; and when he came to

answer it, he said he was to face it out and make the best of it he could. Now he did face it out bravely against God, but he was very timorous of man. So that, my Lord, he does say at the same time, at my Lord Russell's trial, upon his oath, that he did believe that the religious obligation of an oath did not consist in the formality of applying it to the place, &c., but in calling God to witness. So that when he did call God to witness before Dr. Burnet and my servant and others, this is not consistent with the oath he has taken here : as the gentleman said at my Lord Russell's trial, unless he has one soul in court and had another at my house, these things are inconsistent and cannot be true ; and if he swear both under the religion of an oath, he swears himself perjured. Then, my Lord, he talks of Aaron Smith. What have I to do with Aaron Smith ? He says I sent him. My Lord, there is nobody else speaks a word of it. Then, by a strange kind of construction and imagination, they will have it that some papers here, which are said to be found in my study, have relation to this plot, as they call it : I know of none, nor am in none. Now, my Lord, I am not to give an account of these papers ; I do not think they are before you, for there is nothing but the similitude of hands offered for proof. There is the like case of my Lady Carr some few years ago. She was indicted of perjury, and, as evidence against her, some letters of hers were produced that were contrary to what she swore in Chancery, and her hand was proved, that is to say, it was like it ; but my Lord Chief Justice Keiling directs the jury, that though in civil causes it is a proof, yet it is the smallest and

least of proofs, but in criminal cases it was none at all. So that my Lord Howard's testimony is single ; and what he talks of those two businesses that he calls a consult, and Aaron Smith, is destroyed by want of proof. What could six men do ? Can my Lord Howard raise five men by his credit ? by his purse ? Let him say as much for me with all my heart : for my part I do not know where to raise five men. That such men as we are, that have no followers, should undertake so vast a design, is very unlikely ; and this great design that was carried on thus, it had neither officers nor soldiers—no place, no time, no money for it. That which he said last time, which he forgot now, he talked of twenty-five or thirty thousand pounds, but no man knew where it was to be had ; but last time he said it was spoken in jest. Now this is a pretty cabal, that six men should meet about a business, and they neglect every one of the points relating to the thing they met about, make no step about the business, and if anyone did speak of it it was but in jest. This is a very deep maintaining of the plot. Then, my Lord, as to these papers, I do not think I am to give any account of them. I would say nothing to the disparagement of Sir Philip Lloyd ; I never saw him till he came to my house ; but yet I say he is the King's officer, and when I am prosecuted at the King's suit I think he ought to be no witness. The Government of France is violent and absolute, but yet, a few years ago, a Minister of State * had his papers taken from him, and abundance of them had dangerous plots against the King in them ;

* Fouquet.

but because they were inventoried in his officer's presence, or those deputed by him, there was no use could be made of them ; it was an irreparable fault in the process, and that saved him. The similitude of hands is nothing ; we know that hands will be counterfeited so that no man shall know his own hand. A gentleman that is now dead told me that my Lord Arlington, about five years ago, desired him to write a letter, and seal it as well as he could. He wrote it with care, and sealed it with a wafer and wax upon it, and within a few days my Lord Arlington brought him five letters, and he did not know which was his own. The Attorney shows these papers to me ; I do not know whether they are my own or no ; but these very papers, such as they are, do abhor as much as anyone can such a design. Look upon them ; you see they are all old ink. These papers may have been written perhaps these twenty years, the ink is so old. But, my Lord, it is a polemical discourse ; it seems to be an answer to Filmer, which is not calculated for any particular government in the world. It goes only upon these general principles, that, according to the universal law of God and nature, there is but one government in the world, and that is entire and absolute ; and that the King can be bound by no law, by no oath, but he may make all laws and abolish them as he pleases ; and this whether of age or no, a man or a child, of sense or out of his sense. Now, my Lord, what if any man in his cabinet should have written this book ? Then he has another principle : he says it is the same thing whether a King come in by election, by donation, by inheritance, or usurpation,

or any other way ; than which, I think, never was a thing more desperately said. Cromwell, when one White, a priest, wrote a book * wherein he undertook to prove that possession was the only right to power, though he was a tyrant, and a violent one (you need not wonder I call him tyrant ; I did so every day in his life, and acted against him too), it would be so odious a principle he could not endure it, and used him very slightly for it. Now this Filmer, that no man must write against, is the man that does assert it, that it is no matter how they come by their power, and gives the same power to the worst usurpers as they that most rightly come to the Crown. By the same argument, if the arrantest rascal of Israel had killed Moses, David, &c., and seized upon the power, he had been possessed of that power, and been father of the people. If this be doctrine, my Lord, that is just and good, then I confess it may be dangerous for anything that may be found in a man's house contrary to it ; but if a commoner of England write his present thoughts, and another man upon looking on his book write his present thoughts of it, what great hurt is there in it ?”

Jefferies here interrupted Sydney, and said that the Court had nothing to do with the work of Sir Robert

* The title of the book (a curious one too, the above notwithstanding) is, “The Grounds of Obedience and Government,” by Thomas White, Gentleman. (A secular Romish priest.) There are two editions of it. The second edition was printed, London, 1655, in 16mo. The motto to the title is *Salus populi suprema lex*. See many circumstances relating to this writer and his works, in A. Wood’s “*Athenæ Oxonienses*,” and Bishop Kennet’s “*Historical Register*.”

Filmer, and advised him to keep to the subject, and use all his eloquence to impeach the testimony of Lord Howard. Sydney then desired counsel on a second point, that conspiring to levy war was not treason; at the same time contending that he had neither made war nor conspired to levy it. But this request was also refused, unless he would admit the fact; upon which, the Court maintained, all doubts in point of law depend.

“If, therefore,” he went on to say, “they would make a concatenation of things, a supposition upon supposition, he would take all these asunder, and show that if they were nothing in themselves, they could be nothing when joined together. It was material that a whimsical imagination of a conspiracy should not pass for a real conspiracy of the death of the King. Besides, if these papers were found in his house, it was a crime created since his imprisonment, which could not come in, for they were found since. If right, they mentioned upwards of two hundred sheets, and showed neither beginning nor end. Should then a man be indicted for treason for such scraps of papers, so found, intended innocently, and when pieced and patched with Lord

Howard's story, made a contrivance to kill the King? It was a right of mankind, exercised by all studious men, to write what they pleased in their closets, and for which no man could be answerable, unless he published it. He had lived under the Inquisition, and there was no man in Spain could be tried for heresy——"

"My Lord," continued he, on being interrupted from the bench in this stage of his argument, and desired to draw no precedents from the Inquisition, "if you take Scripture by pieces, you will make all the penmen of the Scripture blasphemous; you may accuse David of saying there is no God; and accuse the Evangelists of saying that Christ was a blasphemer and a seducer; and of the Apostles that they were drunk."

During the whole of this defence Jefferies made a point of constantly interrupting Sydney, and doing all in his power to render him confused and perplexed. Whenever he cited a law or an adjudged case, which told in his favour, Jefferies rudely said it was nothing to the purpose, and ordered him to desist. And when Sydney replied that "it was to no purpose to speak if law and reason and truth were

not regarded," Jefferies bawled out to him that "if he would not speak, they knew how to proceed." As the Judge now refused to discuss the various points of law which Sydney had intended specially to argue, the prisoner had no other alternative but to call prematurely his witnesses, and thus abandon the course of procedure he had intended adopting.

Lord Anglesea was the first witness called. He stated emphatically that Lord Howard had told him that the plot was a sham, "and that he knew of no such barbarous design, and could not charge anybody with it." Lord Clare, the next witness, swore that "Lord Howard had said to him that Colonel Sydney was as innocent as any man breathing, and used great encomiums in his praise." Mr. Philip Howard assured the Court that Lord Howard had told him that such a plot as the Rye House Plot was a perfect delusion, and even if it had been designed, it would have been utterly impossible "for any man of known interest or estate to go about it." Doctor Burnet stated that the day after the plot was discovered, "My Lord Howard came to see me, and upon some discourse of the plot, with hands and eyes lifted up to heaven, he protested he knew nothing

of any plot, and believed nothing of it, and said that he looked upon it as a ridiculous thing." Blake, a draper, testified to Lord Howard saying that "he could not have his pardon till the drudgery of swearing was over." Lord Paget, Ducasse (Sydney's valet), and several other witnesses, all gave their evidence very much to the same purpose, and declared that Lord Howard had either asserted that Sydney was innocent of the plot or else that he (Lord Howard) knew nothing of the existence of such a plot.

Lord Chief Justice.—"Have you any more witnesses?"

Colonel Sydney.—"No, my Lord."

Lord Chief Justice.—"Then address yourself to the jury."

Sydney obeyed, and turned his face towards his judges.

He began, first, by examining the statute under which he was charged with treason, and proved that by its clauses a design to levy war was not treason; moreover, he said that as he had no intention of conspiring against the life of the King or of levying war against him, he could not be brought within its power. "My Lord," he exclaimed, "there

is no man that thinks that I would kill the King that knows me. I am not a man to have such a design; perhaps I may say I have saved his life once." He then proceeded to deny that he had any connection with the malcontents in Scotland, or had called upon any of their leaders on their arrival in London. "I have not sent myself, nor written a letter into Scotland, ever since 1659; nor do I know one man in Scotland to whom I can write, or from whom I ever received one. I returned into England in the year 1677, and since that time have not written or received a letter from Scotland. Then some gentlemen came here—what is that to me? I never saw one of the Campbells in my life, nor Munro. If anyone can prove I had communication with them, I shall be glad to suffer." The next point he touched upon, but in a less happy vein, was the seizure of his documents by Sir Philip Lloyd. As we read his defence on this subject, we cannot but regret that he should have allowed himself for the moment almost to disown his cherished opinions by attempting to hide his authorship of them. What a splendid opportunity was here offered for Sydney to own that every line pro-

duced against him which vindicated the principles of popular resistance to arbitrary authority—principles carried into effect by the Revolution of 1688—was the fruit of his brains, the earnest belief of his heart, and the teaching for which he would risk his life a hundred times rather than deny. Vane, timid man though he was, shines out in brilliant contrast to such weakness, when we compare the conduct of the two Republicans at their respective trials. Let us listen to Sydney's defence on this point:—

“Then here are papers : if anything is to be made of them you must produce the whole, for it is impossible to make anything of a part of them. But if there are any papers found (it is a great doubt whether they were found in my study or no, or whether they be not counterfeit, but though that be admitted that they were found in my house) the hand is such that it shows they have been written very many years. Then that which seems to be an account of the sections and chapters, that is but a scrap ; and what if anybody had, my Lord, either in my own hand or another's found papers that are not well justifiable, is this treason ? Does this imagine the death of the King ? Does this reach the life of the King ? If any man can say I ever printed a sheet in my life, I will submit to any punishment. Many others, my Lord, they write, and they write what comes into their heads. I believe there is a

brother of mine here has forty quire of paper written by my father, and never one sheet of them was published ; but he wrote his own mind to see what he could think of it another time, and blot it out again, may be. And I myself, I believe, have burned more papers of my own writing than a horse can carry. So that for these papers, I cannot answer for them. There is nothing in it, and what concatenation can this have with the other design that is in itself nothing, with my Lord's select council, selected by nobody, to pursue the design of my Lord Shaftesbury ? And this council, that he pretends to be set up for so great a business, was to be adjusted with so much *finesse* so as to bring things together. What was this *finesse* to do, taking it for granted, which I do not ? This was nothing, if he was a credible witness, but a few men talking at large of what might be or not be, what was like to fall out, without any manner of intention of doing anything. They did not so much as inquire whether there were men in the country, arms, or ammunition. A war to be made by five or six men, not knowing one another, not trusting one another ! What said Dr. Cox in his evidence at my Lord Russell's trial, of my Lord Russell trusting my Lord Howard ? * He might say the same of some others. So that, my Lord, I say these papers have no manner

* Cox had said that Lord Russell told him that "my Lord Howard was a man of excellent parts, of luxuriant parts, *but he had the luck not to be much trusted by any party.*" Charles had himself said concerning this scoundrel Howard, "That he was so ill a man, that he would not hang the worst dog he had upon his evidence." Yet solely upon the evidence of Howard did Charles order Russell and Sydney to be executed !

of coherence, no dependence upon, any such design. You must go upon conjecture; and, after all, you find nothing but only papers, never perfect, only scraps, written many years ago, and that could not be calculated for the raising of the people. Now, pray, what imagination can be more vain than that; and what man can be safe if the King's Counsel may make such (whimsical I won't say, but) groundless constructions? Mr. Attorney says the plot was broken to the Scots (God knows we were neither broken nor joined), and that the Campbells came to town about that time I was taken; and in the meantime my Lord Howard, the great contriver of all this plot, who was most active, and advised the business that consisted of so much *finesse*, he goes there and agrees of nothing, and then goes into Essex upon great important business, greater than the war of England and Scotland, to what purpose?—to look after a little pimping manor. And what then? Why, then it must be laid aside, and he must be idle five weeks at the bath, and there is no inquiring after it. Now, I desire your Lordship to consider whether there be a possibility for any men, that have the sense of porters and grooms, to do such things as he would put upon us. I would only say this, if Mr. Attorney be in the right, there was a combination with the Scots, and then this paper was writ; for those that say I did it say I was doing of it then, and by the notes, there is work enough for four or five years to make out what is mentioned in those scraps of paper, and this must be to kill the King. And I say this, my Lord, that, under favour, for all constructive treasons you are to

make none, but to go according to plain proof; and that these constructive treasons belong only to Parliament. . . . Now, my Lord, I say that the business concerning the papers, 'tis only a similitude of hands, which is just nothing. In my Lady Carr's case, it was resolved to extend to no criminal cause; if not to any, then not to the greatest, the most capital. So that I have only this to say, that I think 'tis impossible for the jury to find this matter: for the first point you proved by my Lord Howard, that, I think, is nobody; and the last, concerning the papers, is only imagination from the similitude of hands. If I had published it, I must have answered for it; or if the thing had been whole and mine, I must have answered for it; but for these scraps, never showed anybody, that, I think, does not at all concern me. And I say, if the jury should find it (which is impossible they can), I desire to have the law reserved unto me."

This ended Sydney's defence.

The Solicitor-General now addressed the jury on behalf of the Crown, in a speech which gave the lie direct to all Sydney's denials. He said that the prisoner was guilty of treason for having conspired with others to create an insurrection against the King, and for having written that it is lawful to take away the life of the Sovereign. The accusations against him had been clearly proved by the testimony of persons of great quality. The intel-

ligent body of men whom he was addressing could entertain not the slightest doubt that a Council of Six *was* really formed, of which the prisoner at the bar was one, to carry out the design of a general insurrection; that there *was* a union for treasonable purposes between the Council of Six and certain malcontents in Scotland, and that Aaron Smith *had* been despatched to the North by Sydney to invite the leaders of the disaffected party in Scotland to London to frame the plan of a rebellion, under the mask of occupying a plantation in Carolina; that the papers taken from Colonel Sydney's house by Sir Philip Lloyd *were* undoubtedly, and had been so *proved to be*, in the handwriting of the prisoner, and that as their nature was most treasonable—they in fact stating that the King derived all his power from the people, that such power was originally in the people, that the measure of subjection must be adjudged by the Parliament, and that if the King departed from his duty he must expect the people to exact it; and that such being the nature of the charges against the prisoner, it became manifest that he was guilty of high treason. Having contradicted every objection and denial of Sydney, he concluded his

speech by ingeniously informing the jury that as the law required two witnesses to prove treason, they must regard the evidence of Lord Howard and the documents produced as the necessary two witnesses. "That there should be two witnesses to every particular fact is not imperative," he said; "it has been very often objected, but as often overruled: it was overruled solemnly in the case of my Lord Stafford. Therefore, if we have one witness to an overt act, and another to another, they will be two witnesses in law to convict this prisoner."

The Lord Chief Justice now proceeded to sum up the whole case, and to charge the jury. Never was judgment more culpably partial, more flagrantly at variance with the clauses of the judicial oath! It was not a judge who was weighing evidence, but a hostile advocate who had made up his mind to look upon one side of the case only. He began by assuring the jury that the crime with which the prisoner was charged in the indictment was clearly high treason within the statute of Edward III., and that though several Acts of Parliament had been passed between the reigns of Edward and Mary relating to treason, yet all such treasons as were not enumerated

by after Acts of Parliament remained as they were declared by the statute of 25 Edward III. And as the crime of which Colonel Sydney was accused had not been made a subject of after-legislation, it therefore belonged to the Act of Edward III.* “I am also to tell you, gentlemen, that, in point of law, it is not only the opinion of us here, but the opinion of them that sat before us, and the opinion of all the

* Such ruling appears not to have been sound. Anyone who reads the Act of 25 Edward III., and examines the various prosecutions which have been brought under it, will see that the present law of high treason is a law of the judges and not of the Legislature. The Act provides that, “treason shall be said” “when a man doth compass or imagine the death of our Lord the King in his realm.” Hence lawyers have decided that the first of these species of treason extends to any conspiracy to levy war, in order to put any personal restraint upon the King, or in order to depose the King, because that is civil death; or in order to oblige him to alter his measures of government, or remove evil counsellors from about him, because these purposes cannot be effected by open force without manifest danger to the Royal person. Such interpretations, however, so far from flowing directly from the law, can only be deduced from it by arbitrary definitions and doubtful reasonings. The second species of treason above mentioned is construed to signify a rising, not against the King’s person, but against his *Majesty*, to effect any general purpose—as to pull down meeting-houses, destroy enclosures, &c. These extensions of the law of treason were attempted by Richard II. and Henry VIII., but repealed by Queen Mary. At the time Lord Russell and Algernon Sydney were tried, there were no precedents which bore directly on their cases. And so partial and strained was the interpretation given to the law which condemned these two distinguished men, that in the Act annulling their attainders it is stated that both Russell and Sydney were wrongfully convicted “*by partial and unjust constructions of law.*” See Foster on Crown Law, ch. 1., s. 3—6. Also Life of Lord William Russell, vol. ii., p. 64.

judges of England, and within the memory of many of you, that though there be two witnesses required to prove a man guilty of high treason, yet it is not necessary there should be two witnesses to the same thing at one time. But, if two witnesses prove two several facts that have a tendency to the same treason, they are two witnesses sufficient to convict any man of high treason. In the case of my Lord Stafford in Parliament, all the judges assisting, it is notoriously known that one witness to a conspiracy in England, and another to a conspiracy in France, were held two witnesses sufficient to convict him of high treason. In the next place, I am to tell you, that though some judges have been of opinion that words of themselves were not an overt act, yet my Lord Hales, nor my Lord Coke, nor any other of the sages of the law, ever questioned but that a letter would be an overt act, sufficient to prove a man guilty of high treason ; for, *scribere est agere*.*

* “ How far words or writings of a seditious nature may be considered as overt acts within this branch of the statute 25 Edward III. st. 5, c. 2, § 6, hath been the subject of much debate. In Mr. Sydney’s case it was said, *scribere est agere*. This is undoubtedly true, under proper limitations, but it was not applicable to his case. Writing being a deliberate act, and capable of satisfactory proof, certainly may, under some circumstances *with publication*, be an overt act of treason ; and I freely admit,

Jefferies then proceeded to sum up the evidence of the different witnesses for the prosecution, dwelling strongly on the good faith of their testimony, and taking especial care to exonerate the character of Howard. He fully believed, he said, that a horrid conspiracy had been set on foot, in which the prisoner at the bar was implicated, to create an insurrection, to destroy not only the King and the Duke of York, but also all the King's loyal subjects, and by taking away their lives to take away the life of Monarchy itself, and subvert the religion established by law. He then went on to discuss the documents found in Sydney's possession. He expressed it as his certain belief that those papers were written by Sydney, and being so written, no man could doubt "but it is sufficient evidence that he is guilty of compassing and imagining the death of the King." He then went on to say that the papers contained "all the malice and revenge and treason that mankind can be guilty of. It fixes

that had the papers found in Mr. Sydney's closet been plainly relative to the other treasonable practices *charged in the indictment*, they might have been read in evidence against him, though not published; but papers not capable of such connection, while they remain in the hands of the author unpublished, as Mr. Sydney's did, will not make a man a traitor."—*FOSTER on Crown Law*, p. 198.

the sole power in the Parliament and the people ; so that he carries on the design still, for the debates at their meetings were to that purpose. And such doctrines as these suit with their debates ; for there a general insurrection was designed, and that was discoursed of in this book, and encouraged. They must not give it an ill name : it must not be called a rebellion, it being the general act of the people. The King, it says, is responsible to them, the King is but their trustee ; that he had betrayed his trust, he had misgoverned, and now he is to give it up, that they may be all kings themselves. Gentlemen, I must tell you, I think I ought more than ordinarily to press this upon you, because I know the misfortune of the late unhappy rebellion, and the bringing the late blessed King to the scaffold, was begun by such kind of principles : they cried, he had betrayed the trust that had been delegated to him from the people. Gentlemen, in the next place, because he is afraid their power alone won't do it, he endeavours to poison men's judgments ; and the way he makes use of, he colours it with religion, and quotes Scripture for it too ; and you know how far that went in the late times—how we were for

‘binding our King in chains, and our nobles in fetters of iron.’ Gentlemen, this is likewise made use of by him to stir up the people to rebellion. Gentlemen, if in case the prisoner did design the deposing the King, the removing the King, and if, in order thereto, he be guilty of conspiring to levy war, or, as to the letter written by my Lord Russell, if he was privy to it, these will be evidences against him. So that it is not upon two, but it is upon greater evidence than twenty-two, if you believe this book was writ by him.”

Jefferies now concluded his biassed charge by disparaging the evidence of the witnesses brought forward by the prisoner, and informed the jury that as he had explained the law to them they were *bound to accept his interpretation of it*—thus leaving them no option in the matter.

The charge delivered, the jury withdrew, and the Lord Chief Justice, not content with having controverted all Sydney’s objections, and with having strongly insisted on the competence of the evidence for the prosecution, followed the jurors out of court, and whilst they were consulting about their verdict, “gave them more particular instructions.” At the

end of half an hour the jury returned into court, and brought in a verdict of Guilty.

Sydney now wished to examine each of the jury-men by turn before the verdict was recorded, that he might not be deprived, like Lord Russell, of the benefit of making his exceptions, "whether every one of them had found him guilty, and more especially whether they had found him guilty of compassing the King's death, of levying war against the King, of any treason within the statute 25th Edward III., or of any proved against him by two witnesses;" but Jefferies would not permit him to proceed. His trial had lasted from ten in the morning till six at night, and during the whole of the time, notwithstanding the rudeness to which he was exposed, he steadily maintained his temper, and frequently smiled at the partiality of the judge and the hostility of his persecutors.

Thus ended one of the most iniquitously unjust trials that the annals of justice have ever had to record. The trials of Vane, Russell, and Hampden, infamously as they were conducted, yet fell far short in malignity and partiality when compared with the proceedings which sent Sydney to the

block. Hume, friend and palliator as he is of the Stuarts, speaks of it as "one of the greatest blemishes of the present reign." The learned Sir John Hawkes frankly states it as his opinion that Sydney "was merely talked to death under the notion of being a Commonwealth's man, and found guilty by a jury who were not much more proper judges in the case than they would have been if what he had written had been done by him in Syriac and Arabic." And as I have quoted the views of Charles James Fox anent the trial of Lord William Russell, let me also quote them in the case of Algernon Sydney : *—"The proceedings in Sydney's case were still more detestable. The production of papers containing speculative opinions upon government and liberty, written long before, and perhaps never even intended to be published, together with the use made of those papers in considering them as a substitute for the second witness to the overt act, exhibited such a compound of wickedness and nonsense as is hardly to be paralleled in the history of judicial tyranny. But the validity of pretences was little attended to at that time in the case of a person whom the

* History of the Stuarts, p. 4.

Court had devoted to destruction; and upon evidence such as has been stated was this great and excellent man condemned to die." Hear also what Mr. Hallam says:—*

"It is notorious that Sydney's conviction was obtained by a most illegal distortion of the evidence. Besides Lord Howard, no living witness could be produced to the conspiracy for an insurrection, and though Jefferies permitted two others to prepossess the jury by a second-hand story, he was compelled to admit that their testimony could not directly affect the prisoner. The Attorney-General therefore had recourse to a paper found in his house, which was given in evidence, either as an overt act of treason by its own nature, or as connected with the alleged conspiracy; for though it was only in the latter sense that it could be admissible at all, yet Jefferies took care to insinuate, in his charge to the jury, that the doctrines it contained were treasonable in themselves, and without reference to other evidence. In regard to truth, and to that justice which cannot be denied to the worst men in the worst actions, I must observe that the common accusation against the court in this trial, of having admitted insufficient proof by the mere comparison of handwriting, though alleged, not only in most of our historians but in the Act of Parliament reversing Sydney's attainder, does not appear to be well founded; the testimony to that fact, unless the

* Constitutional History of England, vol. ii. pp. 619—621.

printed trial is falsified in an extraordinary degree, being such as would be received at present. We may allow also that the passages from this paper, as laid in the indictment, containing very strong assertions of the right of the people to depose an unworthy king, might by possibility, if connected by other evidence with the conspiracy itself, have been admissible as presumptions for the jury to consider whether they had been written in furtherance of that design. But when they came to be read on the trial with their context, though only with such parts of that as the Attorney-General chose to produce out of a voluminous manuscript, it was clear that they belonged to a theoretical work on government, long since perhaps written, and incapable of any bearing upon the other evidence.”*

* For a full account of this interesting Trial, see Howell's "State Trials," vol. ix. pp. 818—895. Also the Trial inserted at the end of Sydney's "Discourses concerning Government," edited by John Toland.

CHAPTER VIII.

[*SYDNEY'S REFLECTIONS ON HIS TRIAL.*]

“THOUGH I was thus irregularly hurried unto trial,” writes Sydney in his “Apology,” after complaining that at his arraignment the Lord Chief Justice would neither suffer the statute to be read, nor allow him a copy of the indictment, “I thought that my birth, education, and life might have deserved a jury of the principal knights and gentlemen that were freeholders in Middlesex ; or, if that rule were broken, the most eminent men for quality and understanding, reputation and virtue, who lived in the county, though they had not freeholds, might have been taken to fill up the panel. The importance and difficulty of the matter in question seemed further to enforce it ; but when a copy of the panel was sent unto me, I found that all rules of decency, discretion, and humanity had been neglected, as well as those of law ; the bailiffs had not been suffered

to summon such of the freeholders, in their several hundreds, as seemed most fit for such a service ; but received orders to summon by name such as Graham and Burton had, with the under-sheriff, agreed upon : the copy of the panel was sent unto me before one of them was summoned ; and, if I am rightly informed, some of the best, being put in only for fashion's sake, did never receive any summons ; but sure I am they did not appear.

“The life I have led might have given me some kind of knowledge of such as reasonably might be thought fit to be my judges ; but I did not know the face of one, nor the names of more than three of the whole panel, and they last, as did not appear. Upon examination I found that they had not only put in very many that were not freeholders, but picked up a rabble of men of the meanest callings, ruined fortunes, lost reputation, and hardly endowed with such understanding as is required for a jury in a *Nisi Prius* court for a business of five pounds.* . . .

* Sydney was clearly not legally tried. By an Act of Henry V. no person is to serve on a jury in *capital cases* who is not a freeholder to the amount of 40s. The Attorney-General and the counsel for the prosecution generally argued that this provision was repealed by Queen Mary's Act. Queen Mary's Act, however, merely repeals all laws creating treasons since the statute 25 Edward III., but does not interfere at all with the mode of trial.

“Before I was brought to my trial, I had set down a certain method to be kept in making my defence, and twelve points of law to be argued by counsel, or saved to be found specially, if the jury did find any fact against me. But all was inverted by the violence of the Chief Justice, who perpetually interrupted me; and was observed so well to choose his time of breaking off my discourse, as never to suffer me to finish any point that pinched too hard upon the undue practices of my prosecutors, or most conduced to my defence. Whensoever I cited a law, or a judged case, that made for me, or proposed a point of law to be argued or reserved, he would tell me it was nothing to the purpose, they had already determined it, and obliged me to be silent. Then I thereupon said it was to no purpose to speak, if law, reason, and truth were not regarded. He told me that if I would not speak, they knew how to proceed.

“When, by the impudence of his extravagance, I was driven into these straits, I saw no better way than to show that the only witness against me was the Lord Howard; and he could deserve no credit; that having, at the Lord Russell’s trial,

acknowledged that the religious obligation of an oath did not consist in the outward administering of it, but the calling of God to be a witness unto it; that he had there, as in the presence of God, asserted things inconsistent with what he had then sworn (so as Mr. Howard said it was impossible that what he said unto him, and what he had then sworn in the court, could be true, unless his Lordship had one soul on Sunday and another on Monday); that he had thereby sworn himself perjured, which was beyond any legal conviction, and ought to destroy his testimony, as well as if he had been legally convicted.

“That he had now added new perjuries unto the former, in swearing things different from and inconsistent with what he had sworn against the Lord Russell; and then concluded that he knew no more.

“That, being under the guilt of many confessed crimes, the terrors of death, the despair of obtaining a pardon, unless it were by the drudgery of swearing, as was testified by Mr. Blake, or doing other jobs, as had been said by Hunt and Burroughs (who durst not appear, though subpoenas had been sent them), he did in effect confess his former crimes

were to be redeemed only by committing more ; he ought not to be credited ; that he was my debtor ; and, having defrauded me in the matter, and for the money with which I had trusted him, coming to my house under the name of a friend, he had endeavoured to get my plate and other things of value into his hands.

“ That the matter of his deposition was as absurd and impossible as false ; that the six, which were said to be a select council, were selected by no man ; that they, not being chosen by any, could not erect themselves into a cabal to manage such business as were by no man committed unto their charge ; that they did not know, and could have no confidence in, one another ; that I had never spoken unto the Duke of Monmouth until he brought the said Duke to dine with me by a cheat put upon us both a few days before the pretended meetings ; that upon such occasions, when men did invite themselves to conspire, they did ever choose such as they trusted, and could help forwards the designs for which they did conspire ; that the Lord Howard was trusted by none of them, and was so far from being able to do anything towards such an end, that he dared not

say he could bring five men into the field, furnish five pounds by his purse or credit, or knew how to command them if they were brought together by any other; that if he said the same thing of me, I might confess it, and did confess, I did not know five men in England that would follow me; and could have said very much more if I had not been hindered by the Chief Justice's frequent interruptions.

“That his deposition being destroyed, nothing remained; or though, contrary to law and reason, it were received, it could be of no value, *being single*.

“That no use could be made of the papers said to be found in my house. That though the Government of France is said to be violent, no use could be made of many papers of most dangerous consequence, said to be taken in M. de Fouquet's house by the King of France's officers; and the error of not inventorying them, in the presence of some persons trusted by him, was never to be repaired, and he had been saved by it. That no man said I writ them, and similitude of writing, in criminal cases, could be no evidence, as appeared by the

judgment of the Chief Justice Keeling, and the whole court, in the Lady Carr's case.

“That, whosoever wrote them, they appeared to be only some scraps of a large treatise, in answer to Filmer's book, which, being full of abominable maxims, might be opposed by any man: the like having been written by one White, a priest, in favour of Cromwell when he was in possession of the power, he, though a tyrant, abominated it, and a gentleman who presented it. That, if I had written and published a book, I must be answerable for the contents of it, the whole being considered; but when a few sheets, relating unto some hundreds mentioned in them, were produced, not only the scope of the whole remained unknown, but, the antecedents and consequents of the words they had read being kept secrets, no man could say whether this work were good or evil, true or false. That when I desired those papers brought into the court should be all read, it was absurdly proposed that I should name the passage, I not knowing any word that was in them. that the ink and paper did evidently show they were very old, and it was impossible that they should have any dependence

upon business pretended to be now in agitation ; such as had been written many, perhaps twenty or thirty years ago, could not relate unto the pretended consultations within ten months.

“That no tribunal did ever take notice of a man’s private, crude, and undigested thoughts : that, though the Inquisition is the worst and most bloody tribunal that hath been known in the world, I never feared to write what I pleased against the religion there professed, when I lived under it ; and though it raged in Spain more than any other place, no monk could be questioned for any such writings, though they contained the most dangerous heresies, if not published ; and it were enough for him that had written them to say that he was perhaps mistaken. This being so, there is neither matter nor evidence ; the Lord Howard’s testimony is nothing in itself, and cannot be supplied by that which is also nothing, or, if it were to be received by itself, could have no relation to the consults of which he accuseth me. I must ever insist upon the law of God given by the hand of Moses, confirmed by Christ and His Apostles, whereby two witnesses are necessarily required to every word

and every matter. This is received by all that profess the name of Christ, and so understood by all, that no man in any place can be put to death unless two or more testify the same word or thing. The reason of this is not because two or more evil men may not be found, as appears by the story of Susanna; but because it is hard for two or more so to agree upon all circumstances relating unto a lie, as not to thwart one another: and whosoever admits of two testifying several things done or said at several times or places, conducing, as is said of late, unto the same ends, destroys the reason of that law, takes away all the defence that the most innocent men can have for their lives, and opens a wide gate for perjury, by taking away all possibility of discovering it. This would be far more mischievous in England, where there is no law of retaliation, than other countries, where a false witness undergoes the same punishment as should have been inflicted upon the accused person, if his words had been found true; but the law of England doth require two witnesses unto the same thing, in the statute Edward VI. whereby compassing, by express words, to depose the King is made penal by forfeiture

of goods, &c.; and the statute 3 Eliz. 2 and 13 Car. 22, enacting that conspiring to levy war should be treason, necessarily required two witnesses for the proof of it. The admission of two testifying things passing at several times and places is but a new invention. The Lords were brought to swallow it at the Lord Stafford's trial, by the perfect concurrence of the testimonies of Turvile and Dugdale in the same thing, viz. murdering the King, though the one was in France, the other in Staffordshire; but if that, which was then perhaps too far strained, be carried so much further as to extend to anything that these gentlemen shall fancy may conduce unto the same end, there is no safety in the law, and no man can be found innocent, unless he please, as was said by one of the worst magistrates that ever was in Rome in the worst time, '*scituros neminem se invito reperiri posse insontem*' (Sig. de Imp. Occ.). That though there were such a number of witnesses as the laws of God and man require, and they of credit, no crime is fixed upon me that is or hath ever been declared to be treason by the law. It is said in the indictment that I conspired the death of the King; but no man said that any mention

was ever made of it in my presence ; even the King knows I am not a man to have any such design ; and I am no more capable of it than of eating him if he were dead. I think I may say I did once save his life, but I am sure I never endeavoured to take it away. If the meetings mentioned were to be taken for conspiracies against his Majesty's life, something must have been there proposed and resolved concerning the ways, manner, time, place, or persons by whom it should be effected ; of which not one word is pretended, nor that he was so much as named.

“That conspiracies take their denomination from the thing that the conspirators endeavour to compass ; and no men were ever said to conspire to do that which was never spoken of amongst them.

“That the compassing of the King's death, declared to be treason in the first branch of the statute 25 Edward III., was meant his corporal death, inas-much as in his politic capacity he can never die ; and cannot be implied by the branch relating unto the levying of war, which is an act distinct in nature, and distinguished by law from it. The authorities of Cooke and Hales were alleged to prove this dis-

inction, that to levy war was not to compass the death of the King ; and, being treason of different species, the overt act of the one could not be the overt act of the other : that conspiring to levy war was not treason of itself, nor by implication, as appeared by several temporary Acts of the 1st of Mary, 13 Eliz., 13 Car. 26, and others, whereby, after a certain time during their lives, to conspire to levy war is made treason, which had been impertinent if it had been ever so by the ancient statute of 25 Edward III.

“The case of Sir H. Vane was alleged, who, though he had been an eminent man in all the councils relating unto the first war, by which the late King was brought to death, it was never imputed unto him, because every man knew he had no hand in it ; and though he did not deny but he had the like part in the war continued against his Majesty now reigning, he could not be convicted without proof of his appearing with a regiment in Southwark : but as to the present case, here is neither King brought to death, nor war levied, nor anything done in relation to either. Here is nothing but a meeting acted—a conspiracy wherein it is

not so much as pretended that the matter which they are said to have conspired was ever mentioned ; and show war my accusers dream of was to be made without men, money, arms, ammunition, officers, soldiers, places, or anything done towards the providing any of them. Much might have been hereupon said concerning the incongruity, vanity, falsity, and absurdity of the Lord Howard's stories : at the Lord Russell's trial he made the foundation of the Council of Six to have been in prosecution of the Earl of Shaftesbury's designs ; and their apprehensions, that a business known to so many could not continue secret ; and pretended their end to have been to admit, with much *finesse*, a business consisting of many pieces ; whereas it doth [not] appear that any of the six (except himself) knew anything of what that Earl had designed ; but certain it is, that none of them had in a long time had any communication with him. The Duke of Monmouth and himself thought him to be mad. I could say much of the Earl of Essex's thoughts of the same kind ; and, besides the known dislikes which he had unto me, and I unto him and his ways, I did not see his face in almost a year before he went

out of England, and had no communication with him afterwards. No man but the Lord Howard had to this day explained the vast designs that were then known to so many, that they could not be concealed; and he had not told the name of one of the ten thousand brisk boys that were to do such wonders. If he say true, nothing was done to adjust with such *finesse* the business of many pieces, beyond the most common discourses; and no word fixed upon any man except the Duke of Monmouth, who was of opinion that a rabble could not resist a well-methodized army. A scholar, that knoweth not the difference between method and discipline, might give such a term unto the right soldiers of an army; but he that attributes it unto a soldier, shows that the whole is an invention of his own.

“The management of this affair by the Council, or Cabal, was equal unto the reasons of forming it; not one of those pieces were taken into a consideration: no care taken of providing men, arms, ammunition, or places; no mention made of any correspondence in city or country; and money, which was the principal point, was spoken of only jocosely, or by the way of mirth.

“This is a new way of carrying on the greatest business in the world, and, if it were true, could only show that the six were as mad as some of them thought the Earl of Shaftesbury ; but if the reputation of some of them have or had in the world, be compared unto that of the Lord Howard, it will be thought more probable that he is a liar, than that they were fools.

“The rest of the romance is suitable unto this. He says that a correspondence was resolved with the Earl of Argyle ; but does not say how, by whom, when, or why. The matter relating unto the other Scotchmen is not less crude : such as best understood matters of Scotland should be sent for ; a canting letter written, and sent by Aaron Smith ; but he neither tells certainly who wrote the letter, to whom it was directed, what were the express words or contents of it, nor whether it was ever delivered or not ; and he was so careless of this important affair as not to remember the names of men ; and he, that ought to be satisfied they were fit for such work, was forced to learn the name of Sir Hugh Campbell by description, which is impossible : no man can know the likeness of a

picture unless he know the man for whom it was drawn ; nor by description him that he does otherwise know. The last part of that story agrees well enough with the rest. Having embarked himself and his friends in this vast business, and advanced it so far as you have heard, he thought that all was well, and it did not deserve his further care : he lay idle at least ten weeks in London, or at Knightsbridge, contenting himself only in asking me whether Aaron Smith was gone ; and then thought himself more concerned in visiting a manor of about two hundred pounds a year in Essex, than advancing the business of war and state that he had undertaken. After having for a while loitered there, with the same indifference and serenity of mind, he made another journey to the Bath : this is the parenthesis he mentions, that lasted almost six months : some may impute it to the sedate constancy of a philosopher, others to the stupidity of a beast ; but whosoever considers the nature of the thing, and the temper of the person, can never believe that a wise or virtuous man could so shamefully neglect the most important interest of his friends or country ; and such as know how much

his Lordship, through a most tender love unto himself, is concerned in the most trivial affairs that relate unto his person or interest, will as little think he could be so well at leisure as not look after those that came so near unto his life and fortune, if any such had been then in agitation. ‘*Oportet mendacem esse memorem.*’ If the proverb be true that liars ought to have good memories, his Lordship, at my trial, ought to have thought of what he had said at the Lord Russell’s ; and, if the story had been too long to be exactly related, he might have had recourse unto that which is in print. Sir H. Vane the elder, and others, being examined at the Earl of Strafford’s trial, desired to see their first examinations taken in writing, lest they might fail in any word ; and the prosecutors, as well as judges, seeking nothing but truth and justice, allowed it. If the same ends had been now sought, he might have read out of the book what he had said at his first trial, and suffered to say no more ; but the drudgery of swearing was not over ; some other jobs must be done before he could have his pardon ; that which he had said was not enough, and, notwithstanding his oath that he

knew no more, he must swear more, whether he knew it or not. A fruitful fancy, spurred on by fear, and restrained neither by conscience nor shame, furnished matter abundantly; and all was received, though directly contrary to his former deposition upon the same thing: he frames a formal speech for Mr. Hampden, as an overture of the sessions; reduced the jocular discourse of money to a more serious consideration of raising thirty or twenty-five thousand pounds; supposes the Lord Russell to have been the writer of the letter sent by Aaron Smith; makes another speech for Mr. Hampden, which he calls invidious, as tending to an intention of referring all to the will of the Parliament; but neither signeth upon anything done, or to be done, nor relates a word said by me, unless it were in private unto himself, concerning A. Smith.

“Such stuff would not (as I suppose) have been received in any court of justice in Europe, nor in Westminster Hall, till it was furnished with these judges; but they, resolving to receive all that was against me, though evidently false, would neither suffer me to say the tenth part of what I had to allege in my defence, nor to explain or prove that

which I proposed. When the Chief Justice did cut me off, I did, as justly as I could, desire him to proceed softly and fairly: that a wise heathen had said, no delay ought to be esteemed long when the life of a man was in question; and that the Scripture put an evil character upon those whose feet were swift to shed blood. But all was in vain: the points of law concerning the different sorts of treasons could not be heard; no counsel allowed to argue them; no point of law saved, when I showed that here was, in my case, neither conspiracy against the life of the King, nor war levied; and that if, by long series of far-fetched incoherent suppositions, any man fancied me to be guilty of treason, it must be by constructions which none but the Parliament could make. To prove this I cited the statute 25 Edward III., and desired it might be read, with the proviso that no other court should take cognizance thereof; but I was overborne by the unreasonable violence of the Chief Justice, and denied the reading of the statute, the assistance of counsel to argue the points of law, or that any of those proposed by me should be saved unto me.

“The first was, that, by the law, no man could

be tried upon an indictment laid in a county, unless it were composed of freeholders. Secondly, the Court having declared, that I was tried upon the statute 21 Edw. III., it ought to be declared upon what branch of that statute. Thirdly, that, though a conspiracy to levy war were sworn by one witness, and that a credible one, I ought not to be thereupon indicted by the statute 1 Edw. VI. cap. 12, the 5 of Edw. VI. cap. 11, and the 13 Car. II. Fourthly, that conspiracy to levy war is not treason by the statute 21 Edw. III. Fifthly, that by the same, conspiring to levy war is not an overt act of compassing the King's death; and, though overt acts were pretended, they are not to be inquired into without the testimony of two credible witnesses by the 1 Edw. VI. cap. 12, and 5 Edw. VI. cap. 11, and I ought not to be obliged to confess such a conspiracy, if it be not proved. Sixthly, without admitting the fact, I ought to have counsel to argue the points of law arising upon the evidence; inasmuch as I may have cause to demur unto the evidence, and want their advice thereupon. Seventhly, that supposing the Lord Howard to be a credible witness, he is but one; no man can be thereupon found guilty, as

appears by Whitebread's case: the papers cannot be taken for another witness; similitude of hands is no evidence, whosoever wrote them; they can have no concurrence with what is said, being unknown unto him, written many years since, as appears by the ink and paper, and no way relating unto the matter in question, nor applied unto any particular time or case whatsoever. Eighthly, that, though the meetings mentioned by the Lord Howard were supposed to be to consult to levy war, such assemblies could not be taken for overt acts of conspiring the death of the King, no word or overt act tending thereunto in giving in evidence; nothing arising from suppositions, arguments, presumptions, or constructions, can make a man a traitor; the end of the statute 25 Edw. III. was to take away ambiguities, and variety of opinions, and the decisions of all such cases as are thereby referred to the Parliament.

"If these points were not allowed, counsel might have been admitted to argue them, or saved to be found specially, as was desired; but all in vain.

"I well knew the disorder that had been brought upon the nation in the time of Richard II., when, as it is said in the statute 1 Hen. IV., no man knew

what to speak, or what to do, for fear of treason ; that the like was declared statute 1 Mary, and by that of Edw. VI. express words, and open preaching, to compass the deposing of the King, setting up another title, &c., though proved expressly by two credible witnesses, were not made treason ; and could have easily inferred *à fortiori*, that a polemic discourse, left imperfect, never examined, never showed to any man, wrote long since, relating in general unto such cases as those of Tarquin, Caligula, Nero, Vitellius, Peter the Cruel of Castile, or Charles the Great, or the like, could have no relation unto any statute of treason in England ; but the Chief Justice would not suffer me to speak.

“This explained a mystery which no man could before understand : they who saw I was not brought to a trial with the Lord Russell, believed, that if the gaols* did not furnish some other evidence

* “Mr. Aaron Smith deposed that he was a prisoner in the Tower when Lord Russell and Colonel Sydney were tried, and was kept close prisoner above nineteen weeks at five pounds a week charge, and two warders watched him, or lay in the room. That one of his warders told him that Mr. Ambrose Philips was come to speak with him, and had an order from one of the Secretaries to come as often as he would, and bring whom he would with him ; but then he was alone. When Mr. Philips came in, after some other discourse, he told him it was in his power to make himself what he would : for, said he, You know this rogue Sydney is

against me, I should be released without a trial ; but when these and many other points of law were overruled without hearing, it plainly appeared that my trial was deferred until an under-sheriff could be made, that would pack a jury with Burton and Graham, and the bench could be filled with such judges as had no understanding of the law, nor regard unto reason, justice, truth, or common sense ; for words, though sworn by two credible witnesses, could not be brought within the 25 Edw. III., only by any but such as these, according to the authority of Cook and Hales, and Pine's case, nor taken for an overt act of compassing the King's death. But they could bring the most confused, improbable, and contradictory relations of one man of no credit a proof of a conspiracy ; and as an overt act hatch up his credit with papers ill-proved, and containing matters unknown unto him, and having no coherence with what he said. Such as they only could suffer a witness to guess a man

a traitor, and you may make yourself what you will if you will discover what you know of his designs against the Government. That he replied, He could not say anything that could touch a hair of Colonel Sydney's head ; and that then Mr. Philips said, if he might advise the King, he would have all the damned Whig rogues hanged," &c.—*A Display of Tyranny*, Part ii. p. 281.

into treason, or make the most extravagant guessings or suppositions to pass for evidence.

“Such as they could only fancy, that a few scraps of old paper, refuting the doctrines of one of the most wicked and foolish books that ever was written in the world, tended to the subversion of our government; and that his approbation of the slaughter of Caligula, or the insurrections against Nero, were overt acts of conspiring the death of the King now reigning in England. The thing was fit to be brought only before such as sought to deserve the preferments unto which they were unworthily advanced by doing such jobs as would have been abhorred by any that had understood the principles or ends of governments, examined the history of the world, or seen that if it were in no case lawful for people to rise against a prince, there is not a prince in the world that can have a lawful title to the crown he bears; the most part of our kings since William the Norman were usurpers; or, which is worse, usurpation confers a just title. .

“They only, having admitted an indictment grounded wholly upon suppositions, inuendoes, and intentionals, could hearken unto the Lord Howard; who con-

jectures what I and others meant, who wrote the letter into Scotland, to whom it was directed, what were the contents and effects of it, though he would not speak precisely to any of those points.

“They only could think him a credible witness when they had heard him swear himself perjured, and the contents of his deposition were, by his own assertions, as in the presence of God, proved to be false by nine irreproachable witnesses.

“They only could suffer a jury to suppose that an evidence can be grounded upon an opinion of a similitude in writing, when they know it is none; that a book was written with an intention to stir up the people when they hardly saw the fiftieth part of it, and would not suffer the tenth of that to be read; that papers, written perhaps twenty or thirty years ago, were intended in prosecution of designs laid within ten months.

“They only could receive an indictment, in which the King’s title of Defender of the Faith was omitted; refuse a copy, when it was demanded, and the stat. 46 Edw. III. produced, whereby it is enacted that it should, in all cases, be allowed unto every man, lest the irreparable errors of it should be discovered.

They only could give credit unto a grand jury who, upon their oaths, presented a bill, wherein I am said to have traitorously, on the 30th of June, and many other days, both before and after, conspired with many other false traitors, to them unknown : whereas I was then, and have been ever since, a close prisoner in the Tower, and it is morally impossible for any man to know I did conspire, unless they did know with whom.

“They only could patch up an evidence, consisting of two parts, as the Lord Howard’s deposition, and the papers upon the similitude of a hand, when they knew both of them to be void in law ; and tack them together when it was apparent they neither had, nor could have, any relation unto each other.

“It was a work for them only, impudently and without hearing to overrule many most important points of law ; by their word to deprive the whole English nation of their right of being tried by freeholders, which is as general and ancient as any part of our laws ; to make discourses at a private meeting, imperfectly, variously, and to their own knowledge falsely reported by a man of a most profligate

life and reputation, to pass for a conspiracy ; to oblige a prisoner falsely to acknowledge he had conspired to levy war, or, contrary to the judgment of many Parliaments, to make a conspiracy to levy war to pass for treason ; by the 25th of Edward III. to make such a conspiracy, which could not be treason in itself (though it had been true), to be treason, as imagining the death of the King, though the laws, and the most revered expositors of them, declare that it is not so.

“They only could take upon them, by various improbable, absurd, and false constructions, to make acts no ways comprehended within the words or meaning of the stat. 25 Edw. III. to pass for treason, when they knew themselves, by the same, to be forbidden to make any construction at all ; and neither to suffer the statute to be read, counsel heard, nor the points of law to be saved unto me.

“None but such as they would have suffered Mr. Solicitor, by a long painted speech, to have misrepresented the evidence on both sides to mislead the jury ; to have represented the Lord Howard’s frequent attestations of God that he knew of no plot, believed that was none, and took that which was spoken of

to be an invention of the priests, only as willingness to confess it, and his many perjuries as a mark of the truth of what he had sworn ; and by such constructions as were absurd, impossible, and false, to drive them headlong into a verdict upon no evidence, in matter of which they were utterly incapable of judging, if the law had referred unto them, and who were so compacted and composed as not to be capable of judging any matter relating unto the meanest thief.

“ If any others than these had been upon the bench I might have been heard, when I offered to answer unto these fallacies, and have unravelled all his frauds ; though such a work could hardly be expected from a man of my education ; and in an age that had much abated his vigour and memory. If this was denied, the points of law might have been left to be found specially ; but I was in all things overborne by the fury of the Chief Justice. He did probably fear he should not be taken for Cæsar’s friend if he did let this man go. He was to deserve his otherwise undeserved preferment. To this end he made a speech of about an hour and a quarter, so confused, that I can give no other account

of it than that, as he had been long observed to excel in the laudable faculty of misleading juries, he did exercise it with more confidence upon the bench than ever he had done at the bar ; declared treasons that had been hitherto unknown, and that the jury was obliged to take that to be law which he judged to be so ; misrepresented the evidence more than the Solicitor had done ; and, as a rule which they were to follow, asserted that if one man swore that such a one said he would with this knife kill the King, and another that he had of him bought that knife, it was sufficient evidence to convict any man.

“It may as easily be guessed what verdict I expected from an ignorant, sordid, and packed jury, upon such a direction, as what security any man in England can have for his life and estate, when such stuff can be made to pass for law : but I was still overborne, and could not be heard, when I endeavoured to bring the Chief Justice to reflect upon his own extravagances.

“Before the trial I was credibly informed that his Lordship had so far humbled himself as to advise with the King’s Council of the ways of compassing my death ; and that a paper, containing the

result of that consultation, had been seen upon Mr. Attorney's table. Since that time I have been told by persons of unblemished reputation that, not satisfied with the directions given in public, he had been farther pleased, when he retired upon pretence of taking a glass of sack, to follow the jury and give them more particular instructions."

CHAPTER IX.

THE EXECUTION.

ONE of the first acts of Sydney, on his return to the Tower, was to occupy the hours that intervened before sentence was passed upon him in drawing up a petition to Charles, recapitulating the irregular proceedings in the trial, and praying for an audience of the King. Through the interest of Lord Halifax, who was now Privy Seal, the petition was presented to his Majesty. It ran as follows :—

THE HUMBLE PETITION OF ALGERNON SYDNEY, ESQ.*

Sheweth,

That your petitioner, after a long and close imprisonment, was on the 7th of this month (November) brought with a guard of soldiers to the Palace Yard, upon a *habeas corpus* directed to the Lieutenant of the Tower, before any indictment had been exhibited against him.

That whilst he was there detained, a bill was exhibited and found ; whereupon he was immediately

* State Papers (Domestic), Chas. II., Dec. 1683. The Petition has no date.

carried to the King's Bench, and there arraigned. In this surprise he desired a copy of the indictment,* leave to make his exceptions, or to put in a special plea, and counsel to frame it; but all was denied. He then offered a special plea, ready engrossed, which was also rejected without reading. Being threatened that if he did not immediately plead Guilty or Not Guilty, a judgment of high treason should be entered, he was forced, contrary to law (as he supposes), to come to a general issue in pleading Not Guilty.*

November the 21st your petitioner was brought to his trial; and the indictment being perplexed and confused, so as neither he nor any one of his friends that heard it could fully comprehend the scope of it, he was utterly unprovided of all the helps that the law allows unto every man for his defence: whereupon he did again desire a copy, and produced an authentic copy of the statute 46 Edw. III., whereby it is enacted, "That every man shall have a copy of any record that touches him in any manner, as well that

* See Petition of Algernon Sydney: State Papers (Domestic), Charles II., Nov. 1683.

† Jefferies' ruling was not contrary to the law as the law then stood, but it was a biassed and harsh interpretation of it. "Some have held that if, on demurrer, the point of law be adjudged *against* the prisoner, he shall have judgment and execution, as if convicted by verdict. But this is denied by others, who hold that in such case he shall be directed and received to plead the general issue, not guilty, after a demurrer determined against him. Which appears the more reasonable, because it is clear, that if the prisoner freely discovers the fact in court, and refers it to the opinion of the court, whether it be felony, or no; and upon the fact thus shown, it appears to be felony, the court will not record the confession, but admit him afterwards to plead not guilty."—BLACKSTONE, book iv. p. 328.

which falls against the King, as any other person;" but could neither obtain a copy of his indictment, nor that the statute should be read.

The jury by which he was to be tried was not (as he is informed) summoned by the bailiffs of the several hundreds in the usual and legal manner; but names were agreed upon by Mr. Graham, Mr. Burton, and the Under Sheriff, and directions given to the bailiffs to summon them; and being all so chosen, the copy of the panel was of no use unto him.

When they came to be called he excepted against some for being your Majesty's servants, which he did hope should not have been returned, when he was prosecuted at your Majesty's suit; many others for not being freeholders, which exceptions he thinks are good in law: and others were lewd and infamous persons, not fit to be of any juries; but all was overruled by the Lord Chief Justice, and your petitioner forced to challenge them peremptorily whom he found to be picked out as most suitable unto their intentions who sought his ruin; whereby he lost the benefit allowed by the law of making his exceptions, and was forced to admit of mechanic persons, utterly unable to judge of such matter as was to be brought before them.

This jury being sworn, no witness was produced who fixed anything beyond hearsay upon your petitioner, except the Lord Howard, and some that swore the papers said to be found in his house, and offered as a second witness, were written in a hand like unto your petitioner's.

Your petitioner produced ten witnesses, the most of them men of eminent quality, the others of un-

blemished fame, to show the said Lord Howard's testimony was inconsistent with that he had, as in the presence of God, affirmed unto many of them, and as he swore at the trial of the Lord Russell, under the same religious obligation of an oath, as if it had been legally administered.

Your petitioner did endeavour further to show that besides the absurdity and incongruity of his testimony, he being guilty of many crimes which he did not pretend your petitioner had any knowledge of; and having no other hope of a pardon than by the drudgery of swearing against him, deserved not to be believed; and that similitude of hands could be no evidence, as was declared by the Lord Chief Justice Keeling and the whole court in the Lady Carr's case; so as no evidence at all remained against him.

That whosoever wrote those papers, they were but a small part of a polemical discourse, in answer to a book written above thirty years ago, upon general propositions, applied to no time, or any particular case; that it was impossible to judge of any part of it unless the whole did appear, which did not; that the sense of such as were produced could not be comprehended unless the whole were read, which was denied; that the ink and paper showed them to have been written many years ago, and the Lord Howard knowing nothing of them, they could have no concurrence with what your petitioner was said to have designed with him and others.

That the confusion, errors in writing, &c., show they had never been so much as reviewed, and written in a hand that no man could read, were neither fit for

the press, nor could be in some years, though the writer of them did intend it, which did not appear.

That they being only the present, crude, and private thoughts of a man, for the exercise of his own understanding in his study, never showed unto any, nor applied to a particular case, could not fall under the statute 25 Edw. III., which takes cognizance of no such matter, and could not by construction be brought under it, such matters being reserved thereby to the Parliament, as is declared in the proviso, which he did desire might be read, but was refused.

Eight or nine important points of law did hereupon emerge, upon which your petitioner, knowing his own weakness, did desire his counsel might be heard, or reserved to be found specially; but all was overruled by the violence of the Lord Chief Justice, and your petitioner so frequently interrupted that the whole method of his defence was broken, and he not suffered to say the tenth part of what he could have alleged in his defence. The jury was hurried into a verdict that they did not understand.

And, forasmuch as no man that is oppressed in England can have any relief, unless it be from your Majesty,

Your petitioner humbly prays, that, the premises considered, your Majesty will be pleased to admit him into your presence, and if he does not show that it is for your Majesty's honour and interest to preserve him from the said oppression, he will not complain though he be left to be destroyed.

AL. SYDNEY.

The prayer in the petition was, however, not answered. The Duke of York and Jefferies effectually prevented Charles, who appears to have been somewhat willing to accede to the terms demanded, from complying with one iota of its clauses, and Sydney, instead of being permitted to appeal to the King, was insultingly referred, if he had any objections to make, to the very tribunal of which he had complained. All his wishes being thus frustrated by the malice of his enemies, he was brought up on the twenty-sixth of November to the bar of the Court of King's Bench to receive sentence. Being asked why judgment of death should not be passed upon him, he boldly complained of the irregular proceedings which had characterized his trial; of the jury not having been composed of freeholders, as the law required; of the refusal of the Court to furnish him with a copy of the indictment or with the aid of counsel; and of the offensive and marked hostility shown him from the moment that he was arraigned to the finding of the verdict. His complaints were, however, in vain. The Court refused to listen either to his objections or to his application for a new trial, and on one

occasion Judge Wythen, who seemed to be "very drunk," gave Sydney the lie direct. The prisoner hereupon with calm dignity observed, that "having lived above threescore years he had never received or deserved such language, having never asserted anything that was false." The Lord Chief Justice now interfered, and, deeming it advisable to cut the proceedings short, declined, after the verdict of the jury, to discuss any further legal technicalities with his victim.

"Mr. Sydney," said the Lord Chief Justice, "there remains nothing for the Court but to discharge their duty, in pronouncing that judgment the law requires to be pronounced against all persons convicted of high treason; and I must tell you, that though you seem to arraign the justice of the Court, and the proceeding——"

Colonel Sydney.—"I must appeal to God and the world. I am not heard."

Lord Chief Justice.—"Appeal to whom you will. I could wish with all my heart, instead of appealing to the world, as though you had received something extremely hard in your case, that you would appeal to the great God of heaven, and consider the guilt you have contracted by the great offence you have committed. I wish with all my heart you would consider your condition; but if your own ingenuity will not provoke you, nothing I can say will prevail

with you to do it. If the King's general pardon, in which you had so great a share of the King's mercy, will not, I could wish that as a gentleman and a Christian you would consider under what particular obligations you lie to that gracious King that hath done much more for you. I should have thought it would have wrought in you such a temper of mind as to have turned the rest of your life into a generous acknowledgment of his bounty and mercy, and not into a state of constant combining and writing, not only to destroy him, but to subvert the Government. And I am sorry to see you so earnest in the justification of the book, in which there is scarce a line but what contains the rankest treason, such as deposing the King: it not only encourages but justifies all rebellion. Mr. Sydney, you are a gentleman of quality, and need no counsel from me: if I could give you any, my charity to your immortal soul would provoke me to it. I pray God season this affliction to you! * There remains nothing with the Court but to pronounce that judgment that is expected and the law requires; and therefore the judgment of the Court is—

“That you be carried hence to the place from whence you came, and from thence you shall be drawn upon a hurdle to the place of execution, where you shall be hanged by the neck, and, being alive, cut down; your privy members shall be cut off, and burned before your face; your head severed from your body, and your body divided into four quarters, and they to be disposed at the pleasure of the King.

* Was ever cant more unblushing than this?

And the God of infinite mercy have mercy upon your soul!"

Colonel Sydney.—"Then, O God, O God, I beseech thee to sanctify these sufferings unto me, and impute not my blood to the country nor the city through which I am to be drawn. Let no inquisition be made for it; but if any, and the shedding of blood that is innocent must be revenged, let the weight of it fall upon those that maliciously persecute me for righteousness' sake."

Lord Chief Justice.—"I pray God work in you a temper fit to go unto the other world, for I see you are not fit for this."

Colonel Sydney.—"My Lord, feel my pulse [holding out his hand], and see if I am disordered. I bless God I never was in better temper than I am now."

And with these final words Sydney bowed to his judges, and withdrew with the Lieutenant to his cell inside the grim walls of the Tower.

The brutal Jefferies, at the conclusion of the trial, boasted to Charles of the admirable manner in which he had perverted justice, and is said to have been rewarded by the monarch with a present of a valuable ring. Sydney thus comments, in the concluding lines of his "Apology," upon the conduct of the Lord Chief Justice, and upon the future in store for England:—

“The Chief Justice having performed this exploit [the violation of law and decency] is said to have bragged unto the King, that no man in his place had ever rendered unto any King of England such services as he had done, in making it to pass for law that any man might be now tried by a jury not consisting of freeholders, and that one witness, with any concurrent circumstance (as that of the buying the knife),* was sufficient to convict him. In this he seems to have spoken very modestly; for he might truly have said that he had overruled eight or ten very important points of law, and decided them without hearing, whereby the law itself was made a snare which no man could avoid, nor have any security for his life or fortune, if one vile wretch could be found to swear against him such circumstances as he required. Nevertheless we all know that the like had been done in former times. In the days of Richard II. the nation was brought into such a condition through the perversion of the law, that no man knew what to say or do for fear of treason, and were thereby driven upon the most violent remedies. God only knows what will be the issue of the like practice in these our days. Perhaps He will in mercy speedily visit His afflicted people. I die in the faith that He will do it, though I know not the time or ways; and am so much the more confident He will do it, that His cause and His people is

* “If I buy a knife of J. S. to kill the King, and it be proved by one witness I bought a knife for this purpose, and another comes and proves I bought such a knife of J. S., they are two witnesses sufficient to prove a man guilty of high treason.”—*In Jefferies’ charge to the Jury at Sydney’s Trial.*

more concerned now than it was in former time. The lust of one man and his favourites was then only to be set up in the exercise of an arbitrary power over persons and states ; but now the tyranny over consciences is principally affected, and the civil powers are stretched unto this exorbitant height for the establishment of Popery. I believe that the people of God in England have, in these late years, generally grown faint. Some, through fear, have deflected from the integrity of their principles. Some have too deeply plunged themselves in worldly cares, and, so as they might enjoy their trades and wealth, have less regarded the treasure that is laid up in heaven. But I think there are very many who have kept their garments unspotted ; and hope that God will deliver them and the nation for their sakes. God will not suffer this land, where the Gospel hath of late flourished more than in any part of the world, to become a slave of the world ; He will not suffer it to be made a land of graven images. He will stir up witnesses of the truth, and, in His own time, spirit His people to stand up for His cause, and deliver them. I lived in this belief, and am now about to die in it. I know my Redeemer lives ; and, as He hath in a great measure upheld me in the day of my calamity, hope that He will still uphold me by His Spirit in this last moment, and, giving me grace to glorify Him in my death, receive me into the glory prepared for those that fear Him, when my body shall be dissolved. Amen."

Five years later how fully were realized these earnest, hopeful words of Sydney !

At the conclusion of the trial the friends of the Republican now made powerful efforts to save his life, and it was expected that some remission of the sentence would at least be obtained. In order to strengthen the influence of those interested in his welfare, Sydney was again advised to petition the King, and acting upon this advice he drew up a second paper, praying that the sentence of death passed upon him might be commuted to that of perpetual banishment.* But the intercession of friends, as well as his own petition for mercy, were all unavailing. In the eyes of the Court Sydney was too hostile to the cause of Royalty, too prominent a leader of the Republican party, and too dangerous a man for either pardon or exile. A few days after the sentence had been pronounced, the warrant for his execution was placed in the hands of the Sheriffs.† Sydney read the paper calmly when

* See State Papers (Domestic), Charles II., Dec. 1683. The petition has no date.

† "Contrary to all men's expectations, a warrant is signed at last for beheading Colonel Sydney at Tower Hill next Friday. Great endeavours have been used to obtain his pardon, but the contrary party have carried it, which much dasheth our hopes: but God still governs."—*Letter of Sir SAMUEL BARNARDISTON, Bart., quoted at his Trial.* See State Trials, vol. ix. p. 1336.

it was shown him, and told the Sheriffs that he would not expostulate with them on his own account, for the world was now nothing to him; but he begged them, for their own sakes, to consider how quick they had been in returning a packed jury, and in thus perverting the ends of justice. It is said that one of the Sheriffs was so struck with this expostulation that he actually wept.

The few days that had now to intervene before the sentence of execution was carried out were devoted by the prisoner to the completion of his Apology (a brief *résumé* of the chief events of his life, and especially of his trial) and to the duties of religion. Unlike Lord William Russell, Algernon Sydney did not belong to any particular Church or Sect. He objected to the slavery of a creed and to any organized system of public worship. His religion was a matter only between himself and his God, and he required neither the aid of ritual to express the devout feelings of his mind, nor the intercession of a priest to implore pardon from the Most High. He disliked all external ceremonies, and his love of liberty made him detest everything approaching to the arbitrary government of a priest-

hood. All Creeds, he held, detracted from the breadth and purity of that religion which Christ had come to establish upon earth. In the eyes of Sydney, Christianity should resemble some noble stream, which rolls full and free from source to mouth, and does not seek to increase its rush by narrowing its bed. Sects make men care more for the maintenance of their petty doctrinal views than for the dissemination of the grand truths of religion. External ceremonies tend to make religion more subjective than objective. The institution of a priesthood arrogating to itself certain spiritual powers is in Sydney's opinion a blasphemous encroachment upon the prerogative of the King of kings. Where the other world was concerned, Sydney relied only on the Immortal and the Omnipotent. Man could not save him, but God could: he relied only on God. Priests could not absolve him, but Christ could: he relied only on his Redeemer. Church could not console him: the illapses of the Holy Spirit were his only comforter, and he sought no other. His religion was a mixture of the purity of the Puritan and the independence of the Quaker. As Burnet puts it, he was a Christian, but a Christian in his own way.

What we term, and rightly consider, "means of grace," were in the mind of Sydney but the slavery and superstition engendered by the accumulated results of hereditary custom and practice. And therefore, as he stood on the confines of this world, with but a few brief hours intervening between him and eternity, the religion that had been the creed of his soul and the practice of his life was also the creed that alone sustained him in his last moments. He expressed deep remorse for the sins that he had committed, and prayed long and fervently for pardon, but for consolation from spiritual advisers he cared not, and begged that neither priest nor presbyter might attend him at the hour of death. Some Independent ministers, it is true, came to visit him in his prison during the few days before his execution, but they came as friends, not as ecclesiastics.

On the morning of the 7th of December, the Sheriffs entered his cell and bade him prepare for his fate. He received the news with the calmness of a Stoic. Whilst some legal formularies were being arranged between the Sheriffs and the Lieutenant of the Tower, he knelt down in silent prayer. Then

he waited for the order which was to bring him face to face with a cruel and violent death. He was told that he was to walk on foot to the place of execution, escorted on either side by the Sheriffs, and was asked if he wished any friends to accompany him to the scaffold. He replied that his only friends were the two servants of his brother, and these only he desired to attend him at his last moments. His wish was at once acceded to ; and with head erect, and step firm and steady, he walked between his guides, but speaking never a word to either, till he came to Tower Hill, where the headsman stood grasping his axe, and surveying the dense crowd beneath, around, and above him. For an instant he stopped, as his foot met the first step which led on to the scaffold, and lifted up his eyes to Heaven in prayer ; then, with that air of hauteur which was more manner than character, he mounted the black-covered staircase. As soon as he approached the block he uttered the first words that had passed his lips since he quitted his cell.

“I have made my peace with God, and have nothing to say to men ; but here is a paper of what I have to say,” and he handed the Sheriffs a docu-

ment which he had drawn up during the solitary moments of his imprisonment.

"Will you read it to the crowd, or will you have it read?" asked the Sheriff.

"No, but if you will not take it I will tear it."

"Is the paper written in your handwriting?"

"Yes."

The Sheriff then took the paper, and Sydney, removing his hat, coat, and doublet, prepared for death.

"I am ready to die," said he, approaching the executioner, "I will give you no further trouble," and he placed in the man's hand three guineas.

The sum was less than the headsman expected, and he grumbled. Sydney, seeing the fellow's discontent, desired his servant to give him one or two guineas more. Then kneeling down for a few moments "while you might tell twenty," he laid his head with a smile upon the block and waited for the stroke.

The headsman grasped his axe, poised it, and then, as was the etiquette of his fearful office, cried out to his victim—

"Are you ready, Sir! Will you rise again?"

“Not till the general resurrection—strike on!”
answered the Patriot.

The man obeyed, and with one blow the head
was severed from the body.*

“Here let the Muse withdraw the blood-stained steel,
And show the boldest son of public zeal.
Lo! Sydney bleeding o’er the block!—his air, his mien,
His voice, his hand unshaken, firm, serene!
Yet no diffuse harangue declaim’d aloud,
To gain the plaudits of a wayward crowd.
No specious feint death’s terrors to defy,
Still death delaying, as afraid to die;
But sternly silent, down he bows to prove
How firm, unperishing, his public love.
Unconquer’d patriot! form’d by ancient lore,
The love of ancient freedom to restore;
Who nobly acted what he boldly thought,
And seal’d by death the lesson that he taught.”

Owing to the interest of the Leicester family, the more brutal details of the sentence were not carried into execution. After the headsman had performed his duty of exhibiting the head of the murdered victim to the crowd around, the remains of Sydney

* “The Sherifffes Account of what passt at the Execution of Algernown Sydney.” (See Meadley.) “On Dec. 8, 1683, Charles L. Cottrell tells Robert Dormer that yesterday he was at Tower Hill to see Col. Sydney beheaded, who said nothing to the people, but delivered a speech in writing to the Sherifff. The head was severed at one blow.” (MSS. of C. Cottrell Dormer, Esq.: Second Report of Hist. MSS. Commission, page 82.)

were placed in a coffin, and restored to his family. The following day the corpse was interred at Penshurst. On a brass plate in the coffin is this inscription :—

HERE LYETH THE BODY OF THE
HONO: ALGERNON SIDNEY, ESQ.
SECOND SON OF Y^e
RIGHT HONO. Y^e EARLE OF LEICESTER,
WHO DEPARTED THIS LIFE
ON THE 7TH DAY OF DECEMBER,
IN THE 61ST YEAR OF HIS AGE,
ANNOQUE DOM. 1683.

The paper delivered to the Sheriff by Sydney ran as follows :—

*Men, Brethren, and Fathers; Friends, Countrymen,
and Strangers!*

It may be expected that I should now say some great matters unto you ; but the rigour of the season, and the infirmities of my age, increased by a close imprisonment of above five months, do not permit me.

Moreover, we live in an age that maketh truth pass for treason : I dare not say anything contrary unto it, and the ears of those that are about me will probably be found too tender to hear it. My trial and condemnation doth sufficiently evidence this.

West, Rumsey, and Keeling, who were brought to prove the plot, said no more of me than that they

knew me not ; and some others, equally unknown to me, had used my name and that of some others, to give a little reputation unto their designs. The Lord Howard is too infamous by his life, and the many perjuries not to be denied, or rather sworn by himself, to deserve mention ; and being a single witness, would be of no value, though he had been of unblemished credit, or had not seen and confessed that the crimes committed by him would be pardoned only for committing more ; and even the pardon promised could not be obtained till the drudgery of swearing was over.

This being laid aside, the whole matter is reduced to the papers said to be found in my closet by the King's officers, without any other proof of their being written by me than what is taken from suppositions upon the similitude of a hand that is easily counterfeited, and which hath been lately declared in the Lady Carr's case to be no lawful evidence in criminal causes.

But, if I had been seen to write them, the matter would not be much altered. They plainly appear to relate unto a large treatise written long since in answer to Filmer's book, which by all intelligent men is thought to be grounded upon wicked principles, equally pernicious unto magistrates and people.

If he might publish unto the world his opinion, that all men are born under a necessity derived from the laws of God and nature, to submit unto an absolutely kingly government, which could be restrained by no law or oath ; and that he that hath the power, whether he came unto it by creation, election, inheri-

tance, usurpation, or any other way, had the right ; and none must oppose his will, but the persons and estates of his subjects must be indispensably subject unto it ; I know not why I might not have published my opinion to the contrary, without the breach of any law I have yet known.

I might, as freely as he, publicly have declared my thoughts, and the reasons upon which they were grounded ; and I am persuaded to believe that God had left nations unto the liberty of setting up such governments as best pleased themselves.

That magistrates were set up for the good of nations, not nations for the honour or glory of magistrates.

That the right and power of magistrates in every country was that which the laws of that country made it to be.

That those laws were to be observed ; and the oaths taken by them, having the force of a contract between magistrate and people, could not be violated without danger of dissolving the whole fabric.

That usurpation could give no right ; and the most dangerous of all enemies unto kings were they, who, raising their power to an exorbitant height, allowed unto usurpers all the rights belonging unto it.

That such usurpations being seldom compassed without the slaughter of the reigning person or family, the worst of all villanies was thereby rewarded with the most glorious privileges.

That if such doctrines were received, they would stir up men to the destruction of princes with more violence than all the passions that have hitherto raged in the hearts of the most unruly.

That none could be safe, if such a reward were proposed unto any that could destroy them.

That few would be so gentle as to spare even the best, if, by their destruction, a wild usurper could become God's anointed, and by the most execrable wickedness invest himself with that divine character.

This is the scope of the whole treatise; the writer gives such reasons, as at that time did occur unto him, to prove it. This seems to agree with the doctrines of the most revered authors of all times, nations, and religions. The best and wisest of kings have ever acknowledged it. The present King of France has declared that kings have that happy want of power, that they can do nothing contrary to the laws of their country; and grounds his quarrel with the King of Spain, anno 1667, upon that principle. King James, in his speech to the Parliament anno 1603, doth in the highest degree assert it; the Scripture seems to declare it. If nevertheless the writer was mistaken, he might have been refuted by law, reason, and Scripture; and no man for such matters was ever otherwise punished, than by being made to see his error; and it hath not, as I think, been ever known that they had been referred to the judgment of a jury, composed of men utterly unable to comprehend them.

But there was little of this in my case: the extravagance of my prosecutors goes higher: the above-mentioned treatise was never finished, nor could be in many years, and most probably would never have been. So much as is of it was written long since, never reviewed, nor shown unto any man; and the fiftieth part of it was not produced, and not the tenth

of that offered to be read. That which was never known unto those who are said to have conspired with me, was said to be intended to stir up the people in prosecution of the designs of those conspirators.

When nothing of particular application unto time, place, or person, could be found in it, as hath ever been done by those who endeavoured to raise insurrections, all was supplied by innuendos.

Whatsoever is said of the expulsion of Tarquin ; the insurrection against Nero ; the slaughter of Caligula or Domitian ; the translation of the crown of France from Meroveus's race to Pepin, and from his descendants unto Hugh Capet, and the like, was applied by innuendo to the King.

They have not considered, that if such acts of state be not good, there is not a King in the world that has any title to the crown he wears ; nor can have any unless he could deduce his pedigree from the eldest son of Noah, and show that the succession had still continued in the eldest of the eldest line, and been so deduced to him.

Everyone may see what advantage this would be to all the kings of the world ; and whether, that failing, it were not better for them to acknowledge they had received their crowns by the consent of willing nations, or to have no better title unto them than usurpation and violence ; which, by the same ways, may be taken from them.

But I was not long since told that I must die, or the plot must die.

Lest the means of destroying the best Protestants

in England should fail, the bench must be filled with such as had been blemishes to the bar.

None but such as these would have advised with the King's counsel of the means of bringing a man to death ; suffered a jury to be packed by the King's solicitors and the Under Sheriff ; admit of jurymen who were not freeholders ; receive such evidence as is above-mentioned ; refuse a copy of an indictment, or to suffer the statute of 46 Edward III. to be read, that doth expressly enact, "It should in no case be denied unto any man, upon any occasion whatsoever ;" overrule the most important points of law without hearing. And whereas the statute 25 Edward III., upon which they said I should be tried, doth reserve unto the Parliament all constructions to be made in points of treason, they could assume unto themselves not only a power to make constructions, but such constructions as neither agree with law, reason, or common sense.

By these means I am brought to this place. The Lord forgive these practices, and avert the evils that threaten the nation from them ! The Lord sanctify these my sufferings unto me ! and though I fall as a sacrifice unto idols, suffer not idolatry to be established in this land ! Bless Thy people, and save them. Defend Thy own cause, and defend those that defend it. Stir up such as are faint ; direct those that are willing ; confirm those that waver ; give wisdom and integrity unto all. Order all things so, as may most redound unto Thine own glory. Grant that I may die glorifying Thee for all Thy mercies ; and that at the last Thou hast permitted me to be singled out as a

witness of Thy truth, and even by the confession of my opposers, for that old cause in which I was from my youth engaged, and for which Thou hast often and wonderfully declared Thyself.

Thus passed to his rest a man, certainly not faultless, but whose faults were due more to the circumstances of the times in which he lived than to any grave defects in his character. The absolute despotism which successive monarchs had endeavoured to establish upon the theoretically liberal basis of the English Constitution, had so disgusted Sydney with the institution of absolute monarchy, that, identifying royalty with the degradation of the subject and the exaltation of a coterie, he placed before himself as the only object worthy of political worship the erection of an English Republic. He deemed that a Republic could alone restore his country to her accustomed position among the States of Europe; could alone offer the solid guarantees that national honour would no longer be tarnished, public morality no longer be prostituted, the severity of justice no longer be perverted, and the liberty of the subject no longer be oppressed. Imbued with this one idea, an idea which took all the firmer hold of his mind as

Stuart treachery, cunning, and oppression developed, he boldly raised his standard wherever followers were likely to rally to his cry of Republicanism, and wherever hope bade him seek for aid in the dissemination of his cherished maxims. True to the lessons taught him by the heroes of antiquity, he based his principles and the action of his life upon the examples offered by the patriots of Greece and Rome. He read in the lives of such men that in seasons of desperate crisis it was the duty of a citizen to do all in his power to assert the liberties of his country, even though such liberties could only be asserted at the cost of summoning foreign aid. As Conon went to Artaxerxes, and by his help delivered his country from the Spartan yoke; so Sydney petitioned aid from Louis in order to free England from the hateful yoke of Stuart oppression. As Thebes had been the city of refuge to Thrasybulus, in which he weaved successful plans for the overthrow of tyranny; so first the Hague, and then Paris, were the cities in which Sydney hoped that followers would rally round him, foreign arms support him, and Charles meet the fate which befel the Thirty Tyrants. Even had he re-

ceived money from Louis, as some have alleged, he would have found a precedent for the act in the history of ancient biography. Demosthenes received pecuniary aid from Persia to maintain the liberties of Greece against Macedon.

But however much we may differ from the means Sydney employed to restore the liberties of his country, it is impossible to impeach the stern sense of honour which invariably characterized him. Never did he allow any private considerations of personal advantage to stand in the way of what he considered his duty. He opposed, as I have already said, the sentence passed upon Charles the First, when it was to his own interest to have sided with the regicides; he refused to acquiesce in the usurpation of Cromwell, though such refusal was undoubtedly to his personal disadvantage; he scorned the honours and emoluments which were offered him if he belied his principles and came over to the Court of Charles II., but chose instead a state of poverty and exile. To the very last his conduct was marked by a purity, consistency, and disinterestedness which shine out with a double lustre from contrast with the venality, corruption, and political

immorality that reigned around him. The one object of his life was to increase the happiness and prosperity of the governed; his sole aim, to vindicate the doctrine of resistance against all unlawful oppression, and "to secure the liberties of his country by the establishment of a free constitution, founded on the only legitimate basis of government, the general will."

A few years after his death, his maxims were practically illustrated by the events which ushered in the Great Revolution of 1688, and by the development of the system of Parliamentary Government which was the natural consequence of such Revolution. Then it was that the name and teaching of Algernon Sydney were not allowed to be forgotten. His opinions were brought forward in vindication of the expulsion of James and of the accession of William, in a work entitled "*Sydney Redivivus*," containing the opinions of the Republican on Civil Government, as stated in the very documents which were produced at his trial, and in the paper which he delivered to the Sheriff on the scaffold. Had he but lived to see the new phase upon which the English Constitution then entered—the centre and

force of the State transferred to a Parliament freely elected—he would have found his dream of a Republic (for Sydney was a Republican and not a Democrat) a grave reality.

“I bear no hatred to kings,” he writes in his Discourses; all he hated was the absolutism which is generally associated with the title. He did not believe in “despotism:” “one head,” he said, “is not able to govern all.” He did not believe in an oligarchy, for its policy was too exclusive; nor did he, on the other hand, believe in a democracy. His ideal of perfect government was one in which monarchy, aristocracy, and democracy blended together, and formed one harmonious whole. A monarch whose actions are not absolute, but who has to obtain the sanction of his nobles through an Upper House, and the sanction of his people through freely elected Commons, before any of his measures can become law, is not a monarch, but only the hereditary head of a Republic. Call him King or call him President, the name matters not, the salient points defining the office are the same. An aristocracy which has to co-operate in every public measure with a popular Chamber,

cannot be tyrannical or exclusive; whilst a House of Commons freely elected, but bound to act in harmony with an Upper Chamber and the Executive, can never degenerate into a coarse and furious democracy. Such a mixed government—the mixed government under which we have the happiness to live—was in the eyes of Sydney the very perfection of administration. “The best governments in the world,” writes he in his Discourses, “have been composed of monarchy, aristocracy, and democracy;” and it was only because he saw how hopeless was such a union whilst a Stuart was on the throne that he zealously advocated, as the only alternative open before him, Republicanism *pur et simple*.

“He was an enemy to everything that looked like a monarchy,” writes Bishop Burnet. But the monarchy which Sydney disliked was absolute sovereignty, not the monarchy in which the King reigns, but does not govern. Between Sydney’s Republicanism and the so-called Republicanism which certain among us are affecting to worship, no sort of comparison can be instituted. The aim of Algernon Sydney was to overthrow tyranny and the

oppression of the subject. The Republicanism that he advocated differed but in few points from a Constitutional Monarchy such as that of England or of Belgium at the present day, and those points are so slight and immaterial that Sydney would have been the last man to create an agitation for their removal.

But the object of the English Republicanism of the nineteenth century is a very different thing. Its aim is to overthrow the most popular and well-balanced government that can be conceived, and on its ruins to erect political anarchy, territorial confusion, commercial robbery, ecclesiastical annihilation, and a socialism as impracticable as it is iniquitous. The one form of Republicanism was the purest patriotism, the other form the most pernicious treason both to administration and to society.

Of Sydney's personal character we know little; but from the description of the few contemporary writers who have incidentally introduced him into their pages, we gather that he was somewhat of a haughty, commanding nature, and perhaps cold and austere. Whitelocke records as his excuse for not

accompanying him to Denmark, that he well knew "the overruling temper and height of Colonel Sydney." Burnet, who was well acquainted with him, says, "he was a man of most extraordinary courage; a steady man, even to obstinacy; sincere, but of a rough and boisterous temper that could not bear contradiction." Such characters are, however, seldom wanting in heart, and we have ample evidence in the life and letters of Sydney of that "sweetness of nature" which his mother lovingly remarked. The kind and disinterested manner in which he befriended Lady Strangford and her husband, the affection his letters evince towards his irascible, unforgiving father, the confidence he enjoyed from his friends, the generosity he displayed to that treacherous viper Lord Howard—all bespeak a man, in spite of certain faults of temper, of real kindness of disposition and nobleness of feeling.

No one could deny his courage, as no one could deny his frankness of purpose. He was a persistent but an open foe. Treachery, underhand proceedings, diplomatic cunning, were things completely foreign to his nature. He was a good hater,

and the frankest of enemies. At the Restoration, when his friends were trying to put his conduct in a favourable light owing to his having declined to sit in judgment on Charles the First, Sydney scorned all such efforts, and openly said that though he did not approve of the manner in which the trial was conducted he heartily approved of the sentence. In his letters to Henry Savile, though the ambassador was connected with the Government, he discloses himself without reserve, and *coûte que coûte* expresses his views upon the trickeries of the Court and the condition of the country in a spirit of the bluntest and most outspoken frankness. He stood twice for two different boroughs as the open opponent of the Court, and in the last election of the Sheriffs he took a prominent part in resisting the tyranny of the royal influence which was brought to bear upon the nomination. Hume considers such conduct ungrateful after Sydney had been permitted by Charles to return to England. Certainly the Republican had little cause to be grateful to his King. Though not excepted out of the Act of Indemnity, he had not dared to show his face in England for years, owing to the

illegal hostility of the Court. For Sydney well knew that the law was no protection to an unpopular subject when those at Whitehall wished to oppress him. He had applied for leave to come to England and had been refused; he had been hunted from place after place by the emissaries of the Court, and at one time had only just escaped assassination. It was only when his father was on the point of death that permission had been given him to return to his country, and an end put to the unjust persecution which for the last ten years had been always overshadowing his path. When a man suffers illegally, and the law is made subservient to personal hostility, the less that is said of his ingratitude the better. Where no favours have been granted there can be no ingratitude.

Of Sydney's talents there can be little question. He possessed, says Mr. Hallam, "a powerful, active, and undaunted mind, stored with extensive reading on the topics in which he delighted." Whether in the camp, the legislature, or the study, the peculiar ability which characterized him always brought him prominently forward. As a soldier he had received more than once one of the highest honours a military man

can obtain, the thanks of the House of Commons for past services. Both in his diplomatic mission, and in his labours on the legislative council, he soon became enrolled among the intellectual minority who lead instead of follow, and organize instead of assent. When he placed pen to paper and logically thought out his speculations, his style, though somewhat heavy, was clear, solid, and vigorous—all he wrote bore the impress of a well-read mind, a mind that was as much accustomed to profound reflection as to practical action. And certainly there can be no doubt but that he was a man of action. Indomitable courage and a boundless energy were the two salient points in his character. He was ever at work: whether in the advancement of the political opinions he so dearly cherished, or in observing the manners and customs of the countries in which he passed the years of his exile, or in busying himself in the promotion of beneficial measures for the good of the people, he knew not what idleness was. From the day that he sided with the Parliament on his return from Ireland to the day when his long-chequered life came to an end on Tower Hill, the one great object he had in view was the amelioration of the

political condition of mankind by the exercise of a liberal and enlightened policy. And we, who at the present day enjoy the fruit of the Liberalism which he and those who co-operated with him advocated, may well be grateful to the name of Sydney for the efforts which he made in that grand old cause which had for its aim the exercise of justice, the extirpation of tyranny, and the development of liberty in its best and truest form.

One of the first results of the Revolution of 1688 was to vindicate the memory of the man who had helped not a little to usher in its policy of constitutional reform. A bill was brought into the House of Lords, on the 24th of April, 1689, by the express recommendation of the Sovereign, at the instance of Philip Earl of Sydney and Henry Viscount Sydney, for reversing the attainder of Algernon Sydney, and received the royal assent on the 11th of May following. After stating in the preamble that the grounds on which Sydney's sentence was reversed, were the illegal panel of the jurors, the defect of legal evidence, and the partial and unjust construction of the statute on which he was arraigned, the bill thus proceeds:—

“That be it declared and enacted, and be it enacted by the King’s and Queen’s most excellent Majesties, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the said conviction, judgment and attainder of the said Algernon Sydney be and are repealed, reversed, made and declared null and void, to all intents, constructions and purposes whatsoever, and as if no such conviction, judgment or attainder had ever been had or given: and that no corruption of blood or other penalty, or forfeiture of honours, dignities, goods, chattels, lands, tenements or hereditaments be by the said conviction and attainder incurred; any law, usage, or custom to the contrary notwithstanding. And to the end that right be done to the memory of the said Algernon Sydney, deceased, be it further enacted, That all records and proceedings relating to the said attainder be wholly cancelled, and taken off the file, or otherwise defaced or obliterated, to the intent that the same may not be visible in after ages; and that the records and proceedings of and to the said conviction, judgment and attainder in the said Court of King’s Bench now remaining, shall and be forthwith brought into the said court, this present Easter term, and then and there taken off from the file and cancelled.

And so at last justice was done to the dead. Some men have the happiness to see during their lives their names honoured and revered, and the

theories they advance universally welcomed and supported, whilst others have to pass through a career of anxious toil and studied neglect to receive only after death the rewards denied them in their life. To the latter category the name of Algernon Sydney belongs. In his lifetime he was regarded by many as a "Rabagas"—as a man who associated self-advancement with agitation, and who deservedly obtained his end—the death of a traitor. It was not till other principles came in vogue that men remembered his name with gratitude, deemed him worthy of being mentioned in the same breath with the purest of patriots, and studied his work as they studied Locke and Montesquieu. Then it was that men discovered how nearly the theories of government which he advanced, and for which he perished, were identical with the constitutional principles established by the Revolution. He was then no longer branded as a traitor, but honoured as a martyr—no longer called a rebel, but a pioneer—a reformer, not a demagogue. His opinions were adopted; his maxims freely inculcated, and though some of them appeared too pure and lofty for the depravity of mankind, they were regarded, not as evidences of a

mischievous Liberalism, but as the mistakes of a sublime and generous mind. And as Englishmen saw the ever-widening advantages which accrued to their country from the development of the principles which the Revolution of 1688 practically asserted, they felt all the more inclined to show gratitude and respect towards the men who had paved the way for the establishment of Parliamentary government. Thus as deeds were analysed and actions discussed, it was discovered that foremost amongst the men of the seventeenth century, who had the real welfare of England at heart, who nobly perilled all to resist the onward advance of tyranny, who wore throughout the whole of their political career the "white flower of a blameless life," and who died that their country might live, stood the name of Algernon Sydney. And as long as patriotism is revered and liberty sought after, so long will he be remembered as one of the best and purest of England's political heroes.

CHAPTER X.

SYDNEY'S TREATISE ON GOVERNMENT. •

“FROM the era of the Exclusion Bill to the death of Charles the Second,” writes Mr. Hallam,* “a number of books were published in favour of an indefeasible hereditary right of the Crown, and of absolute non-resistance. These were, however, of two very different classes. The authors of the first, who were perhaps the more numerous, did not deny the legal limitations of monarchy. They admitted that no one was bound to concur in the execution of unlawful commands. Hence the obedience they deemed indispensable was denominated passive; an epithet which in modern usage is little more than redundant, but at that time made a sensible distinction. If all men should confine themselves to this line of duty, and merely refuse to become the

* Hallam's Constitutional History of England, vol. ii. pp. 625—629.

instruments of such unlawful commands, it was evident that no tyranny could be carried into effect. If some should be wicked enough to co-operate against the liberties of their country, it would still be the bounden obligation of Christians to submit. Of this, which may be reckoned the moderate party, the most eminent were Hickes, in a treatise called *Jovian*, and Sherlock, in his case of resistance to the supreme powers. . . . But besides these men, who kept some measures with the constitution, even while, by their slavish tenets, they laid it open to the assaults of more intrepid enemies, another and a pretty considerable class of writers did not hesitate to avow their abhorrence to all limitations upon arbitrary power. Brady went back to the primary sources of our history, and endeavoured to show that *Magna Charta*, as well as every other constitutional law, were but rebellious encroachments on the ancient, uncontrollable, imprescriptible prerogatives of the monarchy. His writings, replete with learning and acuteness, and in some respects with just remarks, though often unfair and always partial, naturally produced an effect on those who had been accustomed to value the constitution rather for its

presumed antiquity than its real excellence. But the author most in vogue with the partisans of despotism was Sir Robert Filmer. He had lived before the Civil War, but his posthumous writings came to light about this period. They contain an elaborate vindication of what was called the patriarchal scheme of government, which, rejecting with scorn that original contract whence human society had been supposed to spring, derives all legitimate authority from that of primogeniture, the next heir being king by divine right, and as incapable of being restrained in his sovereignty as of being excluded from it. ‘As kingly power,’ he says, ‘is by the law of God, so hath it no inferior power to limit it. The father of a family governs by no other law than his own will, not by the laws and wills of his sons and servants.’ ‘The direction of the law is but like the advice and direction which the King’s Council gives the king, which no man says is a law to the king.’ ‘General laws,’ he observes, ‘made in Parliament, may, upon known respects to the king, by his authority be mitigated or suspended upon causes only known to him; and by the coronation oath he is only bound to observe good laws, of which he is

the judge.' 'A man is bound to obey the king's command against law, nay, in some cases, against divine laws.' In another treatise, entitled 'The Anarchy of a Mixed or Limited Monarchy,' he inveighs, with no kind of reserve or exception, against the regular constitution; setting off with an assumption that the Parliament of England was originally but an imitation of the States-General of France, which had no further power than to present requests to the king. These treatises of Filmer obtained a very favourable reception. We find the patriarchal origin of government frequently mentioned in the publications of the time as an undoubted truth."

Against this opinion Sydney raised his voice in open hostility, and having made, by the light of the best works, both ancient and modern, a profound study of the science of government, he spent his leisure in drawing up a series of papers in refutation of the slavish principles which Filmer sought to establish. We cannot ascertain with any certainty when the "Discourses concerning Government" were actually written, but perhaps we shall not be far wrong in supposing that the work was begun shortly

after the usurpation of Cromwell, well-nigh completed during the long weary years of Sydney's exile, and revised and finished only a brief time before his execution.

The aim of the author is the very opposite to that of Filmer. Instead of regarding the claims of monarchical power as something so sacred that resistance becomes a sort of blasphemy, he boldly declares that the only lawful basis on which government should rest is the consent of the governed. By examples drawn from the histories of Judæa, Greece, and Rome, and from the Republican institutions of other countries, he shows that national happiness can be attained only where the rights and liberties of the people are effectually secured. He illustrates his remarks by copious references, supports his arguments with vigorous logic, and draws his deductions from sound and well-based premises. In the following *précis* of the "Discourses" I have endeavoured to let the author speak as much as possible in his own words, and to teach for himself the nature of the political theory he professed:—

In the breasts of all men God has implanted

the principle of liberty ; a liberty, however, which is not a licentiousness of doing what is pleasant to mankind against the command of God, but one which is simply an exemption from all human laws to which the people have not given their assent. For the rights of a people proceed only from the laws of natural liberty—a doctrine which has not only been inculcated by all Christian Churches, but was the teaching of all generous nations—Grecians, Italians, Spaniards, Gauls, Germans, and Britons—that ever lived before the name of Christ was even known in the world. Men are therefore perfectly justified in making use of the reason that God has given them to examine the laws that control their actions and the original principles of the governments that usurp sway over them. We cannot distinguish truth from falsehood, right from wrong, or know what obedience we owe to the magistrate or what we may justly expect from him, unless we know what he is, why he is, and by whom he is made to be what he is. Implicit faith belongs to fools ; but truth is only comprehended by examining principles.* A

* “ Discourses concerning Government,” by the Hon. Algernon Sydney, edited by John Toland, 1698, chap. i. sect. 3.

prince on a throne naturally courts such criticism. If his reign is wise, learned, and good, and his subjects thrive under him, the nation is at peace, and prosperity and content are within its borders. But princes are but human nature, and are as prone as other men to be good or bad, wise or foolish, valiant or cowardly. Is there any law, human or divine, which tells us to suffer and endure the dominion of a wicked prince till all that is good and virtuous have been abolished? Certainly not. Profane and sacred history teach us the contrary. "Whilst tyrants with their slaves, and the instruments of their cruelties, were accounted the dregs of mankind, and made the objects of detestation and scorn, those men who delivered their countries from such plagues were thought to have something of divine in them, and have been famous above all the rest of mankind to this day. Of this sort were Pelopidas, Epaminondas, Thrasybulus, Harmodius, Aristogiton, Philopoemen, Lucius Brutus, Publius Valerius, Marcus Brutus, C. Cassius, M. Cato, with a multitude of others amongst the ancient heathens. There were instruments of the like deliverances amongst the Hebrews, as Moses, Jeshua, Ehud, Barak, Gideon,

Samson, Jephthah, Samuel, David, the Maccabees, and others, who have from the Scriptures a certain testimony to the righteousness (or lawfulness) of their proceedings, when they neither would act wrongfully nor suffer more than was reasonable." *

There are those, however, who state that such a divinity does hedge the name and office of a king that to resist his authority is a sacrilege and a desperate opinion which should not be for one moment encouraged. "But why is this a desperate opinion? † If disagreements happen between king and people, why is it a more desperate opinion to think the king should be subject to the censures of the people, than the people subject to the will of the king? Did the people make the king, or the king make the people? Is the king for the people, or the people for the king? Did God create the Hebrews that Saul might reign over them? or did they, from an opinion of procuring their own good, ask a king that might judge them, and fight their battles? If God's interposition do alter the case, did the Romans make Romulus, Numa, Tullus Hostilius, and Tarquinius Priscus kings? or did they make

* Discourses, chap. i. sect. 3.

† Ibid. chap. i. sect. 2.

or beget the Romans? If they were made kings by the Romans, 'tis certain they that made them sought their own good in so doing: and if they were made by and for the city and people, I desire to know if it was not better that when their successors departed from the end of their institution, by endeavouring to destroy it, or all that was good in it, they should be censured and ejected, than be permitted to ruin that people for whose good they were created? Was it more just that Caligula or Nero should be suffered to destroy the poor remains of the Roman nobility and people, with the nations subject to that empire, than that the race of such monsters should be extinguished, and a great part of mankind, especially the best, against whom they were most fierce, preserved by their deaths?"

There cannot be a moment's hesitation in answering that question. For is it not true that the whole fabric of tyranny will at once be weakened, nay removed, when it is admitted "that nations have a right to make their own laws, constitute their own magistrates, and that such as are so constituted owe an account of their actions to those by

whom and for whom they are appointed ?” * In man, by the permission of God, lies the choice of government: and those who constitute one form may abrogate it. But this doctrine, I am told, is to make God ‘the Author of a Democracy.’ “And why not, as well as of a tyranny? Is there anything in it repugnant to the being of God? Is there more reason to impute to God Caligula’s monarchy than the democracy of Athens? Or is it more for the glory of God to assert His presence with the Ottoman or French monarchs than with the popular governments of the Switzers and Grisons? Is pride, malice, luxury, and violence so suitable to His being that they who exercise them are to be reputed His ministers? And is modesty, humility, equality, and justice so contrary to His nature that they who live in them should be thought His enemies? Is there any absurdity in saying, that since God in goodness and mercy to mankind hath, with an equal hand, given to all the benefit of liberty, with some measure of understanding how to employ it, ’tis lawful for any nation, as occasion shall require, to give the exercise of that power to one or more men,

* Discourses, chap. i. sect. 2.

under certain limitations and conditions ; or to retain it to themselves, if they think it good for them ? ” *

Does Divine Writ teach us the contrary ? I fail to see such teaching, if it does. It is evident that in Scripture God has ordained powers, but God has given such powers to no particular person, because by nature all men are equal ; hence He has given power to the people or multitude. Let those who maintain the divine right of kings prove their doctrine from the Word of God. “The only sort of kings mentioned there with approbation is such a one ‘as may not raise his head above his brethren.’ ” † Nowhere do we read of a particular power being vested in a particular line, and that that power is absolute and hereditary. Where is it declared that the eldest man of the eldest line should be king, and that his will ought to be a nation’s law ? Abraham and the Patriarchs were not kings. The first earthly king was Nimrod, the sixth son of Cush, the son of Ham, Noah’s younger and accursed son. Throughout Scripture all the kings of the Jews and Gentiles mentioned in its pages came in upon titles utterly inconsistent with the theory of

* Discourses, chap. i. sect. 6.

† Ibid. chap. i. sect. 7.

hereditary right and of the divine absoluteness of the royal will. Among the Hebrews there was no shadow of a paternal kingdom, nor a single precept for it. Moses and Aaron, the first rulers of the Jews, were not sprung from the eldest tribe according to birth. Not the son of Moses, but Joshua, of the tribe of Ephraim, succeeded him. Othniel was of Judah, Ehud of Benjamin, Barak of Naphtali, and Gideon of Manasseh. "The other judges were of several tribes; and they being dead their children lay hid amongst the common people, and we hear no more of them. The first king was taken out of the least family of the least and youngest tribe. The second, whilst the children of the first king were yet alive, was the youngest of eight sons of an obscure man in the tribe of Judah; Solomon, one of his youngest sons, succeeded him; ten tribes deserted Rehoboam, and by the command of God set up Jeroboam to be their king. The kingdom of Israel, by the destruction of one family, passed into another: that of Judah, by God's peculiar promise, continued in David's race till the Captivity; but we know not that the eldest son was ever preferred, and we have no reason to presume it.

David, their most revered king, left no precept for it, and gave an example to the contrary; he did not set up the eldest, but the wisest. After the Captivity they who had most wisdom or valour to defend the people were thought most fit to command; and the kingdom at the last came to the Asmonean race, whilst the posterity of David was buried in the mass of the common people, and utterly deprived of all worldly rule or glory.” *

Thus their sacred history is utterly at variance with this divine right of kings, which would confine government, however hurtful to a nation, entirely in the hands of one man and his descendants for ever. Nor does antiquity tell us aught of this divine right, but it teaches both in its sacred and profane histories that kings reigned only by the consent of the people. In the people lay the whole source of power. Excepting Tarquin the Proud, the people chose all the Roman kings. Who ever heard of a King of the Goths in Spain who was not chosen by the nobility and the people? How did the Kings of Sweden come by their power, except by the like election, till the crown was made hereditary in the

* Discourses, chap. i. sect. 13.

time of Gustavus the First? Did not the like custom prevail in Hungary and Bohemia till those countries fell under the power of Austria? and in Denmark till 1660? What is the oath of allegiance used in the kingdom of Arragon? "We, who are as good as you, make you our king, on condition that you keep and observe our privileges and liberties; and if not, not." Could they say this if the King did not come in by their election? Was not all Israe assembled at Mizpah to choose a king, and they chose Saul? Did not all Judah come to Hebron to choose David? When Solomon was dead, did not all Israel meet together at Shechem, and did not the ten tribes reject Rehoboam and elect Jeroboam in his stead? The histories of all nations are full of examples of this kind. Take our early English history, for instance. Ina and Offa were made kings by the voice of the people; Egbert and Ethelwald, Ethelwulf and Ethelstan, Edgar and Canute, were elected by the same authority. Hereditary succession has never been the absolute law of our land. William, though called the Conqueror, reigned by the same right as his predecessors—the consent of the people. William Rufus and Henry the First

were not the eldest sons. Beyond the will of the people Stephen and Henry the Second had no title to the throne. "John was preferred before Arthur, his elder brother's son; Edward the Third was made king by the deposition of his father; Henry the Fourth by that of Richard the Second. If the house of Mortimer or York had the right, Henry the Fourth, Fifth, and Sixth were not kings, and all who claim under them have no title. However, Richard the Third could have none; for the children of his elder brother, the Duke of Clarence, were then living. The children of Edward the Fourth may be suspected of bastardy; and though it may have been otherwise, yet that matter is not so clear as things of such importance ought to be, and the consequence may reach very far. But, though that scruple were removed, it is certain that Henry the Seventh was not king in the right of his wife Elizabeth, for he reigned before and after her; and for his other titles we may believe Philip de Commines, who says, 'He had neither cross nor pile.' If Henry the Eighth had a right in himself, or from his mother, he should have reigned immediately after her death, which he

never pretended, nor to succeed till his father was dead, thereby acknowledging he had no right but from him, unless the Parliament and people can give it. The like may be said of his children. Mary could have no title, if she was a bastard, begotten in incest; but if her mother's marriage was good, and she legitimate, Elizabeth could have none." *

Yet all these were lawful kings and queens; and their Acts continue in force to this day to all intents and purposes. Thus, then, English kings do not reign by their own absolute right of birth, or in accordance with any theories respecting the divinity of their institution, but solely by the will of the Parliament and the people.

And this is the same with all just magisterial power—it is derived from the people. As mankind increased in number, various bodies met together, agreed together, and framed a society, having all power in themselves, over themselves, and subject to no other human law than their own. Hence arose in different nations and ages the establishment of monarchies, aristocracies, democracies, or mixed

* Discourses, chap. i. sect. 30.

governments, according to the variety of circumstances. But those who have been by their fellows established in power have no other power but what is conferred upon them by the multitude; and by the law of their own creation are to exercise those powers according to the ends for which they were given. What Hooker said, "that all public regiment, of what kind soever, ariseth from the deliberate advice of men seeking their own good, and that all other is 'mere tyranny,' are not 'untrue and unnatural conceits set abroad' by the seedsmen of 'rebellion,' but real truths grounded upon the laws of God and nature, acknowledged and practised by mankind. And no nation being justly subject to any, but such as they set up, nor in any other manner than according to such laws as they ordain, the right of choosing and making those that are to govern them must wholly depend upon their will."*

There are no grounds for the theory that one form of government is superior to another, because it can claim to be of Divine institution. Those who declare that "God showed His will that all should be governed by one when He endowed not only

* Discourses, chap. ii. sect. 5.

men, but beasts, with a natural propensity to monarchy," * are but making a statement which is utterly ridiculous. I deny that there is any natural propensity in man for a particular form of government; he but chooses that which in his judgment seems best for him. If there had been any natural propensity in man he could never have deviated from it, unless violently put out of his natural course, which in this case cannot be, for there is no power to force him. And as for those who represent lions and eagles as kings of birds and beasts, they only show that the power of such birds and beasts is nothing but brutish violence exercised for the destruction of all unable to oppose it. Which similitude, I think, will be of no great advantage to monarchy. And if we base our model of government upon the institutions framed by God for His chosen people, we ought the rather to be ruled by an aristocracy than by a monarchy. The government over the Israelites, according to Josephus, Philo, Maimonides, and all the best Christian and Jewish authors, was aristocratical. Josephus says that Saul's first sin was that "he took away the

* Discourses, chap. ii. sects. 8 and 9.

aristocracy," which he could not do if it had never been established. Philo imputes the institution of kingly government as it was in Israel neither to God nor His word, but to the fury of the sinful people. "I gave them kings in my wrath," writes Hosea; and whosoever will call that a divine institution may say the same of plagues and famines. None of the Judges were kings, and it was only when the rebellious Jews rejected their God that the institution of king was appointed, not as a blessing, but as a punishment.

Absolute monarchs are to be applauded when they excel the rest of the multitude in those virtues that are beneficial to societies. "Plato, Aristotle, Hooker, and (I may say, in short) all wise men, have held, that order required that the wisest, best, and most valiant men should be placed in the offices where wisdom, virtue, and valour are requisite. If common sense did not teach us this, we might learn it from the Scripture. When God gave the conduct of His people to Moses, Joshua, Samuel, and others, He endowed them with all the virtues and graces that were required for the right performance of their duty. When the

Israelites were oppressed by the Midianites, Philistines, and Ammonites, they expected help from the most wise and valiant. When Hannibal was at the gates of Rome, and had filled Italy with fire and blood, or when the Gauls overwhelmed that country with their multitudes and fury, the senate and people of Rome put themselves under the conduct of Camillus, Manlius, Fabius, Scipio, and the like ; and when they failed to choose such as were fit for the work to be done, they received such defeats as convinced them of their error.” *

But this is very different from the establishment of an absolute monarchy which is necessarily to descend to the next in blood, whether, man, woman or child, without any consideration of virtue, age, sex, or ability. The histories of the Babylonian, Assyrian, Persian, and Roman nations plainly show us how injurious to the interests of a country is the appointment of a king disqualified for his office. True stability can only be found in kings when their actions are controlled by laws, and their defects supplied by Parliaments. Hence I maintain that the best governments in the world have been

* Discourses, chap. ii. sect. 11.

comprised of monarchy, aristocracy, and democracy. Monarchies by themselves are hurtful from their despotism, aristocracies by their exclusiveness, and democracies are only suitable for small towns, accompanied with such circumstances as are very seldom found. "If I should undertake to say, there never was a good government in the world, that did not consist of the three simple species of monarchy, aristocracy, and democracy, I think I might make it good. This, at the least, is certain, that the government of the Hebrews, instituted by God, had a judge, the great Sanhedrin, and general assemblies of the people : Sparta had two kings, a senate of twenty-eight chosen men, and the like assemblies : all the Dorian cities had a chief magistrate, a senate, and occasional assemblies : the Ionian, Athens, and others, had an archon, the Areopagi ; and all judgments concerning matters of the greatest importance, as well as the election of magistrates, were referred to the people. Rome in the beginning had a king and a senate, whilst the election of kings, and judgments upon appeals, remained in the people ; afterwards consuls representing kings, and vested with equal power, a more numerous senate, and more frequent meetings

of the people. Venice has at this day a duke, the senate of the *pregadi*, and the great assembly of the nobility, which is the whole city, the rest of the inhabitants being only *incolæ*, not *cives*; and those of the other cities or countries are their subjects, and do not participate in the government. Genoa is governed in like manner: Lucca not unlike to them. Germany is at this day governed by an emperor, the princes or great lords in their several precincts, the cities by their own magistrates, and by general diets, in which the whole power of the nation resides, and where the emperor, princes, nobility, and cities, have their places in person or by their deputies. All the Northern nations, which, upon the dissolution of the Roman empire, possessed the best provinces that had composed it, were under that form which is usually called the Gothic polity: they had king, lords, commons, diets, assemblies of estates, cortes, and parliaments, in which the sovereign powers of those nations did reside, and by which they were exercised. The like was practised in Hungary, Bohemia, Sweden, Denmark, Poland; and if things are changed in some of these places within few years, they must give better proofs

of having gained by the change than are yet seen in the world, before I think myself obliged to change my opinion.

“Some nations, not liking the name of king, have given such a power as kings enjoyed in other places to one or more magistrates, either limited to a certain time, or left to be perpetual, as best pleased themselves: others, approving the name, made the dignity purely elective. Some have in their elections principally regarded one family as long as it lasted: others considered nothing but the fitness of the person, and reserved to themselves a liberty of taking where they pleased. Some have permitted the crown to be hereditary, as to its ordinary course; but restrained the power, and instituted officers to inspect the proceedings of kings, and to take care that the laws were not violated: of this sort were the Ephori of Sparta, the Maires du Palais, and afterwards the Constable of France; the Justitia in Arragon; Rijkshofmeister in Denmark; the High Steward in England; and in all places such assemblies as are before-mentioned under several names, who had the power of the whole nation. Some have continued long, and it may be always in the

same form ; others have changed it : some, being incensed against their kings, as the Romans exasperated by the villanies of Tarquin, and the Tuscans by the cruelties of Mezentius, abolished the name of king : others, as Athens, Sicyon, Argos, Corinth, Thebes, and the Latins, did not stay for such extremities, but set up other governments when they thought it best for themselves, and by this conduct prevented the evils that usually fall upon nations, when their kings degenerate into tyrants, and a nation is brought to enter into a war by which all may be lost, and nothing can be gained which was not their own before.” *

Nothing is farther from my intention than to speak irreverently of kings, but the histories of Greece, Sicily, and Italy show me that those who have tried to reign by absolute right have only attained their end by the help of the worst and the slaughter of the best. Whilst “the contrary is seen in all popular and well-mixed governments ; they are ever established by wise and good men, and can never be upheld otherwise than by virtue : the worst men always conspiring against them,

* Discourses, chap. ii. sect. 16.

they must fall if the best have not power to preserve them." *

Vicious men have always preferred that the power of the State should be placed in the hands of one man, because such a man would, when flattered and pandered to, advance his friends and sycophants to exorbitant riches or undeserved honours. Democracies I disapprove of, because they more frequently err in the choice of men, and preserve less that purity of manners which is necessary for the well-being of a people than other forms of government. Xenophon, Plato, Aristotle, Thucydides, Livy, Tacitus, Cicero, and others, were opposed to the over-great power of the common people. "But I shall come nearer to the point, which is not to compare democracy with monarchy, but a regular mixed government with such an absolute monarchy as leaves all to the will of that man, woman, or child who happens to be born in the reigning family, howsoever ill they may be qualified. I desire those who are lovers of truth to consider whether the wisest, best, and bravest of men are not naturally led to be pleased with a government that protects them from receiving wrong,

* Discourses, chap. ii. sect. 19.

when they have not the least inclination to do any? Whether they who desire no unjust advantage above their brethren, will not always desire that a people or senate constituted as that of Rome, from the expulsion of Tarquin to the setting up of Cæsar, should rather judge of their merit than Tarquin, Cæsar, or his successors? Or whether the lewd or corrupted Pretorian bands, with Macro, Sejanus, Tigellinus, and the like, commanding them will not ever, like Brutus's sons, abhor the inexorable power of the laws, with the necessity of living only by their innocence, and favour the interest of princes like to those that advanced them? If this be not sufficient, they may be pleased a little to reflect upon the affairs of our own country, and seriously consider whether Hyde, Clifford, Falmouth, Arlington, and Danby could have pretended to the chief places, if the disposal of them had been in a free and well-regulated parliament? Whether they did most resemble Brutus, Publicola, and the rest of the Valerii, the Fabii, Quintii, Cornelii, &c., or Narcissus, Pallas, Icetus, Laco, Vinnius, and the like? Whether all men, good or bad, do not favour that state of things which favours them, and such as they are? Whether Cleveland, Portsmouth,

and others of the same trade, have attained to the riches and honours they enjoy by services done to the commonwealth? And what places Chiffinch, Fox, and Jenkins could probably have attained, if our affairs had been regulated as good men desire? Whether the old arts of begging, stealing, and bawdling, or the new ones of informing and trepanning, thrive best under one man who may be weak or vicious, and is always subject to be circumvented by flatterers, or under the severe scrutinies of a senate or people? In a word, whether they who live by such arts, and know no other, do not always endeavour to advance the government under which they enjoy, or may hope to obtain, the highest honours, and abhor that in which they are exposed to all manner of scorn and punishment? Which being determined, it will easily appear why the worst men have ever been for absolute monarchy, and the best against it; and which of the two in so doing can be said to desire an unrestrained liberty of doing that which is evil.”*

I prefer, then, a popular government, and I prefer it for these reasons:

* Discourses, chap. ii. sect. 20.

1. That is the best government which best provides for war. A popular government is in this respect superior to any other.

2. Popular governments are less subject to civil disorders than are absolute monarchies, manage such disorders more ably, and more easily recover from them. The Hebrew, Macedonian, and Roman histories teach us this.

3. Popular governments are less subject to venality and corruption than absolute monarchies. For the truth of this, compare the lives of Brutus, Camillus, Scipio, Fabius, Hannibal, Pericles, Aristides, Agesilaus, Epaminondas, or Pelopidas, with the lives of Seganus, Tigellinus, Vinnius, Macro, Pallas, Narcissus, Laco, Agrippina, or Messalina. If any doubt this assertion of mine "let him examine how all the offices of justice are now disposed of in France; how Mazarin came to be advanced; what traffic he made of abbeys and bishoprics, and what treasures he gained by that means; whether the like has not continued since his death, and as a laudable example been transmitted to us since his Majesty's happy restoration; whether bawds, whores, thieves, buffoons, parasites, and such vile wretches as are naturally mercenary, have not

more power at Whitehall, Versailles, the Vatican, and the Escorial, than in Venice, Amsterdam, and Switzerland ; whether Hyde, Arlington, Danby, their Graces of Cleveland and Portsmouth, Sunderland, Jenkins, or Chiffinch, could probably have attained such power as they have had amongst us, if it had been disposed of by the suffrages of the parliament and people ; or lastly, whether such as know only how to work upon the personal vices of a man, have more influence upon one who happens to be born in a reigning family, or upon a senate consisting of men chosen for their virtues and quality, or the whole body of a nation.”*

4. Popular governments are less calculated to produce mischiefs and cruelties than those of absolute sovereigns. To support this truth we need not study the histories of the ancients, but content ourselves with examining what have been the results when lawful kings have assumed a power which does not by right belong to them. We see that such people, consulting only their own interests, would rather see their subjects controlled by a foreign power than not controlled at all. “ King John offered the king-

* Discourses, chap. ii. sect. 25.

dom of England to the Moors and to the Pope. Peter the Cruel, and other kings of Castille, brought vast armies of Moors into Spain, to the ruin of their own people, who detested their vices, and would not part with their privileges. Many other examples of the like nature might be alleged; and I wish our own experience did not too well prove that such designs are common. Let him that doubts this examine the causes of the wars with Scotland in the years 1639, 1640; the slaughters of the Protestants in Ireland, 1641; the whole course of alliances and treaties for the space of fourscore years; the friendship contracted with the French; frequent quarrels with the Dutch, together with other circumstances that are already made too public; if he be not convinced by this, he may soon see a man in the throne who had rather be a tributary to France than a lawful king of England, whilst either parliament or people shall dare to dispute his commands, insist upon their own rights, or defend a religion inconsistent with that which he has espoused; and then the truth will be so evident as to require no proof." *

5. Men living under popular or mixed govern-

* Discourses, chap. ii. sect. 27.

ments are more careful of the public good than in absolute monarchies. And the reason is easily accounted for. Those who "live in free states are usually pleased with their condition, desire to maintain it; and every man finding his own good comprehended in the public (as those that sail in the same ship), employs the talent he has in endeavouring to preserve it, knowing that he must perish if that miscarry." * We have only to read the history of the commonwealths of Greece, Rome, Italy, and Venice, to see this realized.

Such, then, are my reasons for the preference of a popular government over an absolute monarchy. And in spite of Tudor arrogance and Stuart despotism, the constitution of England is that of a popular government. At no time in our history were the kings of England by right absolute; they may have usurped such power, but such usurpation was contrary to the law of the land. The institution of Parliaments is as ancient as our nation, and there never was a time "in which there were not such councils or assemblies of the people as had the power of the whole, and made or unmade such laws

* Discourses, chap. ii. sect. 28.

as best pleased themselves." Above ourselves is the King, but above the King is the law. All his just power is derived from the law, and he can have no other just power than what the laws give. That which is not just is not law, and that which is not law ought not to be obeyed. Unjust commands should not be obeyed, and no man is obliged to suffer for not obeying such as are against law. The Israelites who obeyed Jeroboam, Omri, Ahab, and their other wicked kings, were punished for their obedience. Government is not instituted for the good of the governor, but of the governed; hence it cannot be for the good of the people that the chief magistrates of a country have a power above the law; and he is not a magistrate who has not his power by law. Aristotle proves that no man is to be trusted with an absolute power by showing that no one knows how to execute it, but such a man as is not to be found. And our ancestors—Saxons, Danes, and Normans—aware of this fact, framed certain laws and received no kings but such as swore to observe them. In Magna Charta we see the native and original liberties of our nation asserted by the "confession of the King then being,

that neither he nor his successors should any way encroach upon them : and it cannot be said that the power of kings is diminished by that or any other law, for as they are kings only by law, the law may confer power upon one in particular, or upon him and his successors ; but can take nothing from them, because they have nothing except what is given to them.” *

This authority, though given by our law to the acts performed by our kings, does not detract from the people’s right of creating whom they please. The lawful king is the king whom the people acknowledge. Thus, then, there can be no such thing in the world as the rebellion of a nation against its own chief magistrates. Allegiance “ signifies no more than such an obedience as the law requires. But as the law can require nothing from the whole people who are masters of it, allegiance can only relate to particulars, and not to the whole.” † The whole body, therefore, of a nation cannot be tied to any other obedience than is consistent with the common good, according to their own judgment ; and having never been subdued or brought to terms

* Discourses, chap. iii. sect. 27.

† Ibid. chap. iii. sects. 35, 36.

of peace with their magistrates they cannot be said to revolt or rebel against them, to whom they owe no more than seems good to themselves, and who are nothing of or by themselves, more than other men. Should the King refuse to call Parliaments, then the right devolves upon the people. When danger is imminent, and a king vicious or negligent, mere formalities are not to be observed. "In such cases every man is a magistrate; and he who best knows the danger and the means of preventing it has the right of calling the senate or people to an assembly. The people would, and certainly ought to follow him, as they did Brutus and Valerius against Tarquin, or Horatius and Valerius against the Decemviri." *

Besides, the Parliament is not for the king, but for the people. Without Parliament we are like a ship rudderless at sea. And as the king is bound by the law, so should the Parliament be bound by the laws that they make. We at the present day are witnesses of a very different order of things. We see men not only governing by will, but by that irregular will which turns the law that

* Discourses, chap. iii. sect. 38.

was made for the public good to the private advantage of one or few men. "We are beholden to Hyde, Clifford, and Danby for all that has been done of that kind. They found a Parliament full of lewd young men, chosen by a furious people in spite to the Puritans, whose severity had distasted them. The weakest of all ministers had wit enough to understand that such as these might be easily deluded, corrupted, or bribed. Some were fond of their seats in Parliament, and delighted to domineer over their neighbours by continuing in them ; others preferred the cajoleries of the Court before the honour of performing their duty to the country that employed them. Some sought to relieve their ruined fortunes, and were most forward to give the King a vast revenue, that from thence they might receive pensions ; others were glad of a temporary protection against their creditors. Many knew not what they did when they annulled the Triennial Act ; voted the Militia to be in the King ; gave him the excise, customs, and chimney-money ; made the Act for Corporations, by which the greatest part of the nation was brought under the power of the worst men in it ; drunk or sober passed the Five

Mile Act, and that for uniformity in the Church. This emboldened the Court to think of making Parliaments to be the instruments of our slavery, which had in all ages past been the firmest pillars of our liberty." * Little did our ancestors think that their posterity would degenerate into such baseness as to sell themselves and their country.

And now let me sum up my opinions upon Government by recapitulating what, to my mind, are constitutional axioms which cannot be gainsaid.

1. From Nature we derive all our notions of Liberty. No man comes to command many but by consent or by force. To depend upon the will of one man is slavery.

2. God leaves to man the choice of forms in government, and those who constitute one form may abrogate it. Hence all just magisterial power is from the people.

3. That it is natural for nations to govern or to choose governors, but virtue only gives a natural preference of one man over another, or reason why one should be chosen rather than another. The ancients chose those to be kings who excelled in

* Discourses, chap. iii. sect. 46.

the virtues that are most beneficial to civil societies. Government is not instituted for the good of the governor, but of the governed.

4. They who choose a king have also the right of making a king. There is no *natural* propensity in man for monarchy, or for any particular form of government. The best governments in the world are those composed of monarchy, aristocracy, and democracy. Popular governments have various advantages over absolute monarchies.

5. The laws of every nation are the measure of magisterial power. That which is not just is not law; and that which is not law ought not to be obeyed. It cannot be for the good of the people that the king or chief magistrate have a power above the law. A monarchy cannot be well regulated unless the powers of the monarch are limited by law.

6. Kings can have no other just power but what the laws give. No people can be obliged to suffer from their kings what they have not a right to do. It is reasonable and just to resist to the utmost vicious and tyrannical kings. Kings should not be the interpreters of the oaths they take. No man should be trusted with absolute power.

7. The royal power was not the first in this nation, nor necessarily to be continued, though it had been the first. The English nation has always been governed by itself or its representatives. The King was never master of the soil. The authority given by one law to the acts performed by a king *de facto* detract nothing from the people's right of creating whom they please.

8. The general revolt of a nation is not a rebellion. The people for whom and by whom the magistrate is created can only judge whether he rightly performs his office or not. The person that wears the crown cannot determine the affairs which the law refers to the king.

9. Proclamations are not laws. The legislative power is always arbitrary, and not to be trusted to the hands of those who are not bound to obey the laws they make. The coercive power of the law proceeds from the authority of Parliament.

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